Frank Canton

Hanging Chipeta

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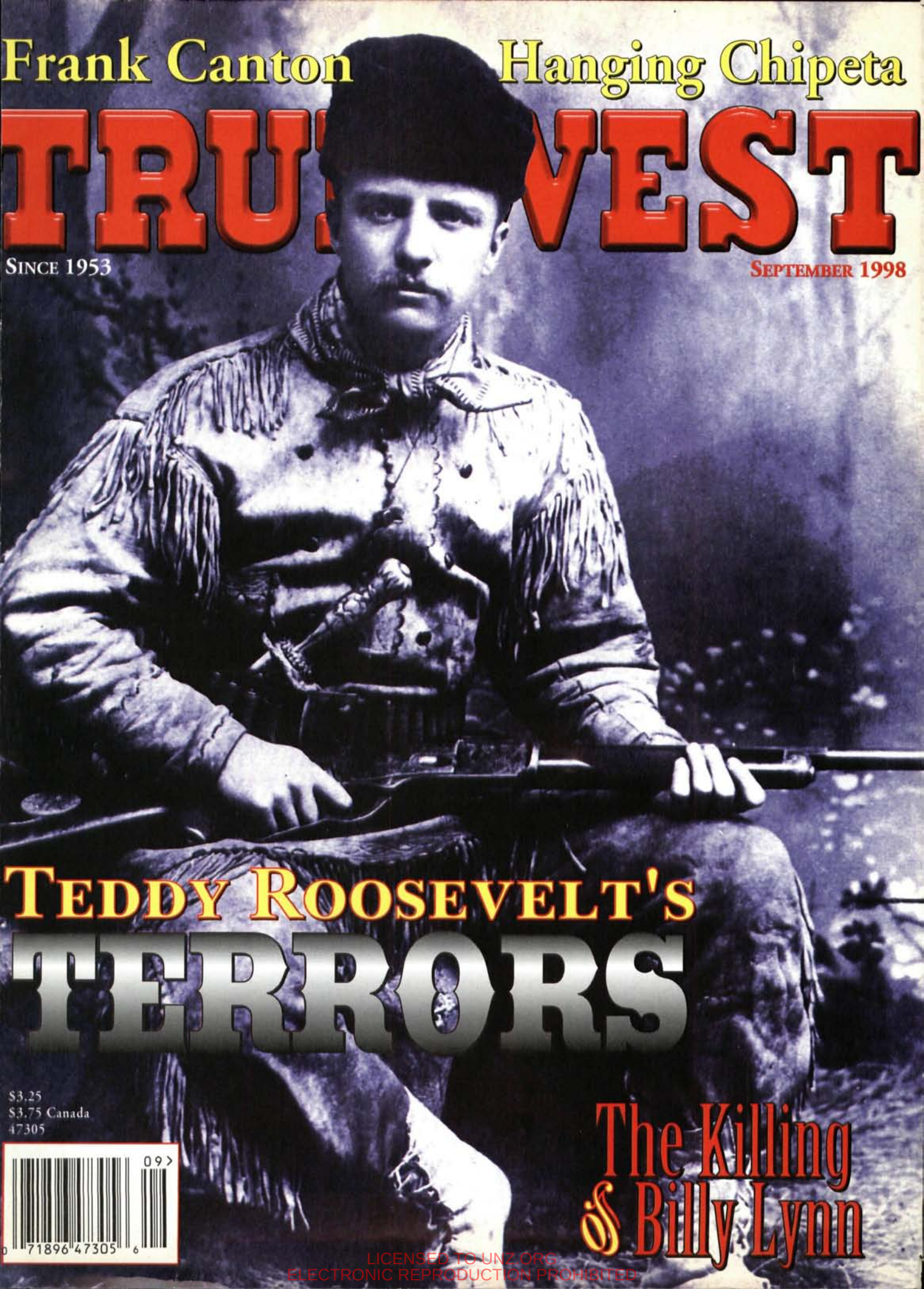

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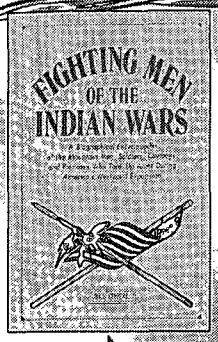

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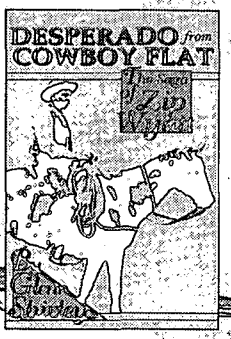

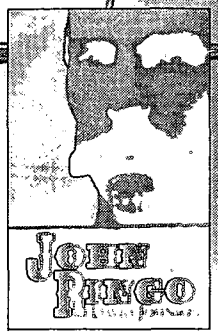

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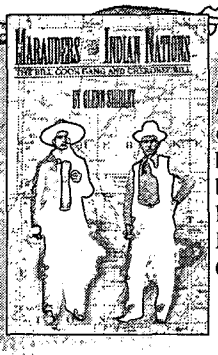

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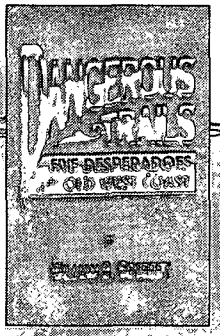

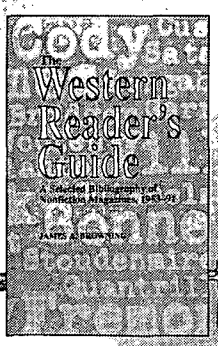

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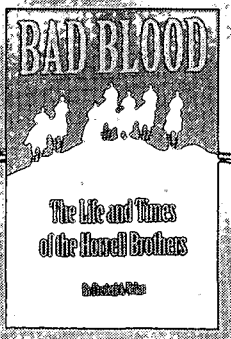

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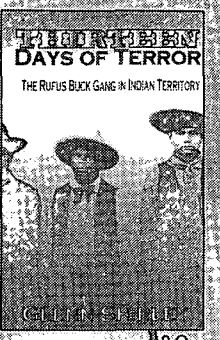

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Theodore Roosevelt: Rancher
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(See related story on page 10.)

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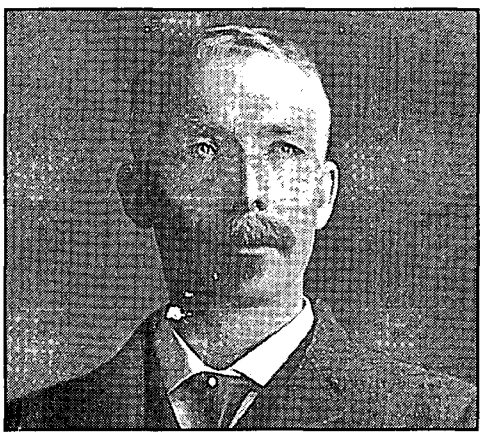

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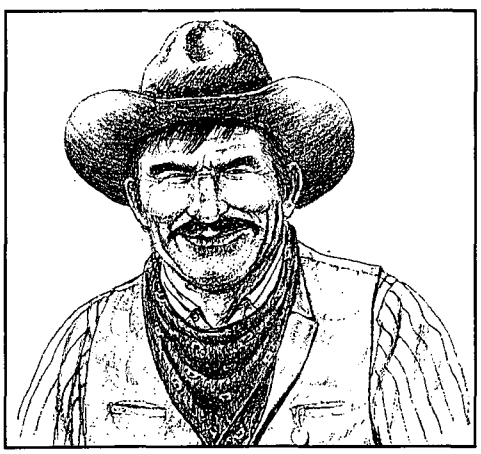

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FROM THE EDITOR

Howdy, ya'll!

This job often reminds me of that old Mark Twain story, "How I Edited an Agricultural Paper." An eager editor agrees to stand in for a friend, puts out the best product he can with the knowledge he's gained on the job, then kicks his feet up, leans back, and awaits the inevitable. It never fails. You stick your neck out and you're bound to get your head chopped off. Take the July issue of *True West* for example.

In an attempt to celebrate our forty-five humble years of publication, I offered a cross-section of contributors and fans the chance to share their memories of *True West.* It wasn't long before the ax fell and letters started coming in, "What about me?" Uh, oh.

To name all of the people who have had a hand in creating *True West* over the years would be next to impossible, but there are a few who deserve special credit; Glenn Shirley, Robert DeArment, Bill O'Neal, and Chuck Parsons immediately come to mind.

Although they are now veteran historians and authors of countless books on Western Americana, Shirley and DeArment were among the first wave of "hired guns" to write for Western Publications. They've been here since the beginning and their support has never wavered. When they signed-on with *True West,* it wasn't uncommon for writers to receive the paltry sum of $25 for their efforts. (At this point anyone who has ever written for us is dropping their magazine in a fit of laughter; like the rest of the magazine, not much has changed since the 1950s.)

Glenn Shirley had only just begun his career as a published historian of the West when he contributed "Outlaw Queen" to the second issue of *True West* in 1953. Glenn's story of Belle Starr laid the groundwork for a book of the same title, published in 1960.

Bob DeArment came to *True West* in the October 1957 issue, with "County Seat War." Bob's early research on Dodge City and the West would culminate with his groundbreaking first book, *Bat Masterson: The Myth and the Legend,* in 1979. Glenn and Bob still submit stories to Western, and I am humbled and honored to publish their work when they do.

Bill O'Neal, widely known for his *Encyclopedia of Western Gunfighters,* and Chuck Parsons, a virtual well of knowledge on the West and a published author of numerous books concerning Texas outlaws and lawmen, have contributed stories and departments that quickly became favorites with our readers.

O'Neal's columns, "Reel Cowboys," "Western Logbook," and "Great Western Gunfights" kept readers wanting more, anxiously waiting to see who or what Bill would cover each month. It would have been easy to repeat the same information, but O'Neal kept the stories fresh and lively each and every time. Since he left to pursue full-time book writing, his talents have been sorely missed around here.

Parsons has been fielding questions as the Answer Man since before anyone can rightly remember; his fans are many, and the questions never stop. My mailbag is downright sagging with 'em.

So, unlike Twain's hapless country editor, I apologize. To all those I left out due to haste, I tip my hat; to those I left out due to just plain ignorance, I offer no other excuse.

It's that time of the year again. Reader Survey time. Time to get to know the family. Send us your likes, dislikes, where you buy the mag, how long you've been reading, and a photo. We'll publish the results in a future issue.

Marcus Huff

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Alias Billy the Kid

In the interest of truth, honesty, and fair play, we respectfully request an opportunity to respond to the recent review of the book *The Return of the Outlaw Billy the Kid* (*True West*, April 1998). This book, which is causing the historical community to reexamine the traditional views regarding the death of the notorious outlaw Billy the Kid, has received rave national reviews and is being embraced by serious Lincoln County War scholars and researchers.

The review published in *True West* was replete with error, contradiction, misrepresentation, and bias, and there is little evidence your reviewer actually read the book.

First, the reviewer, Leon Metz, stated, "the purpose of the book is to establish Billy the Kid and... Roberts as one and the same." Had the reviewer read the book, it would have been impossible to arrive at such a conclusion. The clear and stated purpose of the book was to provide critical analysis, offer statistically valid evidence for a specific case, and let the readers judge for themselves. Related to this, the reviewer erroneously states, "...the authors have a vested interest in seeing that Roberts 'was' the Kid." This statement comes out of left field and is a serious misrepresentation. The authors have no vested interest; they were only interested in seeking the truth and offering the results of some compelling contemporary research pertinent to a controversial issue. One would reasonably argue that the reviewer himself has a vested interest in disclaiming William Henry Roberts as Billy the Kid.

Second, the reviewer expressed surprise the authors mentioned "over 800 books on Billy the Kid...." The real surprise is that the reviewer, a man who claims expertise on the Lincoln County War and Billy the Kid, is admittedly unaware of the volume of literature on the subject.

Third, Metz misrepresents research results and credits comments to the authors that were clearly quotes made by others.

Fourth, the reviewer omits from his review the entire essence of the book: Critical evaluation of much of the traditional Billy the Kid history and the results of the only statistically valid photo-comparison analysis in the world.

Fifth, the reviewer is well known for his own historical biases relative to Billy the Kid, many of which were criticized in *The Return of the Outlaw Billy the Kid* as flawed.

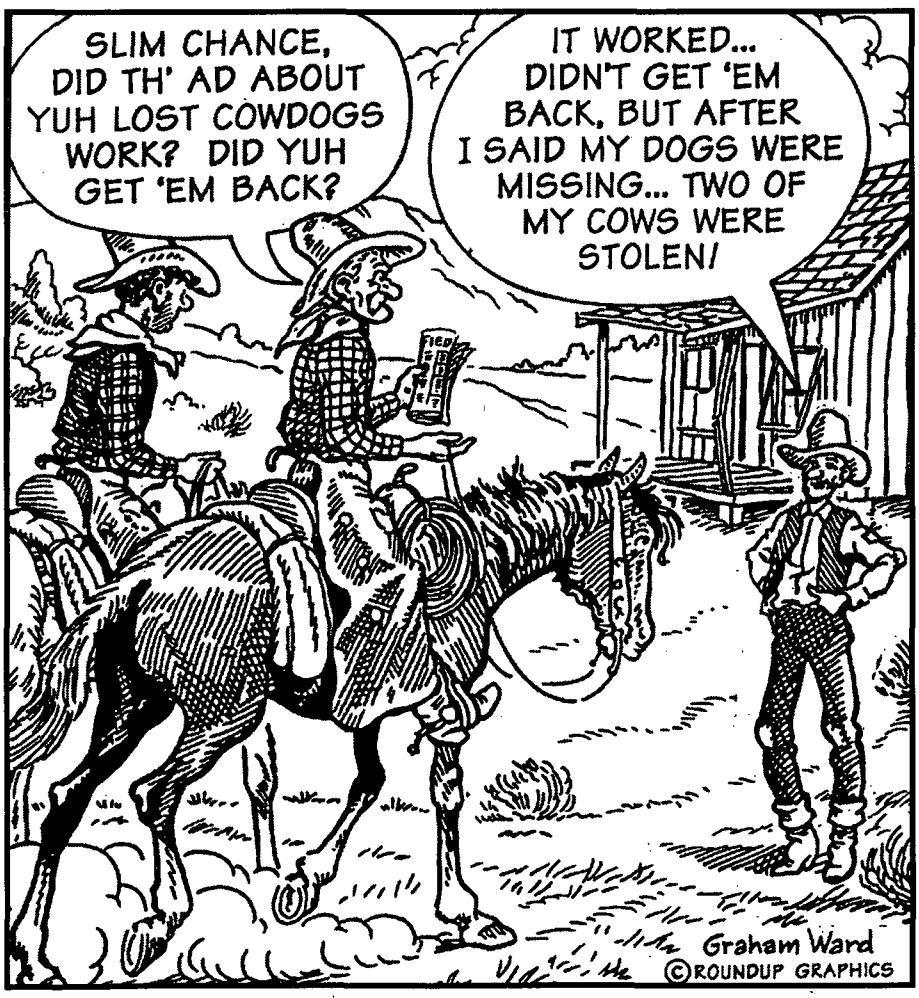
Sixth, Metz contradicts himself in maintaining the traditional position that Pat Garrett allegedly shot the Kid. Elsewhere he wrote, "there is enough evidence...to make one wonder whether Garrett actually killed [the Kid] at all."

The review contained a number of other erroneous statements, but you get the point.

The tone of the review was unnecessarily defensive and misleading. At best it was amateurish and careless, at worst it was dishonest. A biased and unenlightened review does not serve the mission or the best interests of a fine magazine like *True West*.

The authors of *The Return of the Outlaw Billy the Kid* welcome the opportunity to discuss or debate the results of their research and the contents of their book in the pages of *True West* with the reviewer or anyone else.—*W.C. Jameson &*

SADDLE PALS By Graham Ward



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Frederic Bean, authors, The Return of the Outlaw Billy the Kid.

Reviewer's Response: In my thirty years of writing, during which I have written fifteen books, and countless magazine articles and book reviews, I have never personally been so exorcised over a negative review to have "responded" to it. Few professional writers would do so—reviews, negative or not, are a part of being a published author. You read them, you grimace, you file them away, you forget about it. You do not pound the floor in a temper tantrum and scream, "you did not read my book."

For the record, I always read books I review. Other than that, the authors set forth five charges:

1. (a) They write that I "stated the purpose of the book is to establish Billy the Kid and...Roberts as one and the same." The authors disagree, arguing that the "clear and stated purpose of this book was to provide critical analysis...and let the readers judge for themselves." If that is the case, then their clear and stated purpose was not clearly and purposefully stated.

(b) The authors find fault with my comment that they have a vested interest in seeing that Roberts "was" the Kid. My remark stemmed from their narrative statement that the Lincoln Historical Trust had a vested interest in seeing that Roberts "was not" the Kid. I merely pointed out that the Trust had no more self interest in denying Roberts than the authors had a self interest in promoting him.

2. The authors are astonished that I am unaware of the "over 800 books" published on Billy the Kid. Indeed I am more than astonished. I have around thirty-five Kid books in my personal library, and I estimate another dozen are out there somewhere. If the authors can prove that 800 books on the Kid exist (non-fiction of course, since no historian would use novels), I will pay both of their annual registration fees to Western Writers of America for the next five years. In fact, if they can cite just a hundred non-fiction Billy

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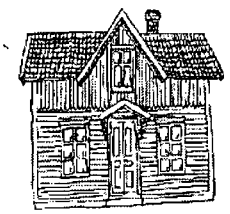

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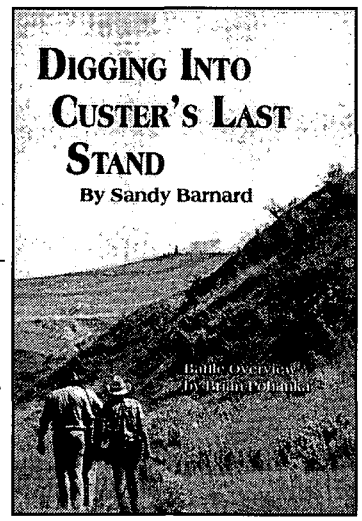

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books, I'll buy space in *True West*, acknowledge my ignorance, and print the titles.

3. I'm sorry. The authors' accusation is no more understandable than their clear and stated purpose of the book.

4. Frankly, I was not impressed by their critical evaluation of traditional Billy the Kid history.

5. I'm not sure what the authors mean by my Billy the Kid biases. If the authors criticized them, whatever they were, in their book, I guess I missed them.

6. I wrote the Garrett biography twenty-five years ago. Brushy Bill was a discredited fraud even then, but I was a little slow in coming to that conclusion.

Jameson and Bean based much of their research on a book entitled, *Alias Billy the Kid*, by C.L. Sonnichsen and W.V. Morrison. I knew and liked both men. Sonnichsen was my mentor, and I once asked Doc, many years after *Alias Billy* was published, if he really believed that Brushy Bill was Billy the Kid. Sonnichsen hesitated a long minute, then said, "I don't know." As for Morrison, who lived about a mile from me, I found him a likable El Pasoan who thoroughly believed that Brushy Bill and the Kid were the same. However, his knowledge was based on hearsay, hope, and blind, unquestioning belief. Before Brushy Billy, Morrison had previously sponsored another outlaw who also returned from the dead [J. Frank Dalton, alias "Jesse James"], and lived to die another time. Bless his heart, if Morrison had lived another twenty years, perhaps not a single outlaw in the Old West would have died of lead or rope poisoning.—*Leon Metz, El Paso, Texas.*

Editor's Note: According to *Billy the Kid and the Lincoln County War: A Bibliography*, compiled by Kathleen Chamberlain and published in 1997, there are a total of fifty-two non-fiction books dealing *primarily* with Billy the Kid.

This does not include general studies of the West, the Lincoln County War, or compilations such as *The Encyclopedia of Frontier Biography.*

The Great Debate

I almost learned to read as a child by poring through old issues of *True West* and its sister publications, and through all the years, I don't think I have ever been so shocked as when I received the April issue containing Kim Turner's very one-sided "report" on the so-called Great Debate in Phoenix. After heavily criticizing my stage performance, Ms. Turner came to the conclusion that the issue was one of "sour grapes" because I had been denied access to the collection of Glenn G. Boyer. Nothing could be further from the truth, and it seems impossible that an unbiased reporter could reach such a conclusion.

Turner's conclusion that I only wanted Boyer's material could not be more wrong. After reading Boyer's 1990s works [primarily his fourteen-part series in *True West*], I believed that Ten Eyck was a "literary device," though that is not the term I would choose for misrepresentation of facts. I never sought Boyer's help because I did not consider his work valid, though I always hoped I was wrong. I think everyone in Phoenix hoped Glenn Boyer would win the debate; that he would march in, verify his work, and prove that we had misjudged him. Instead, he failed to appear, then, with the help of his friends, began a spin-doctoring campaign to cover the issues that should have been debated. History is not a game of deception and intrigue. It is more important than that. The truth is critical to those of us who care about history, who believe that only by studying the past can we understand the present and prepare for the future. This should have been a most important evening. Unfortunately, Glenn Boyer failed to appear.—*Casey Tefertiller, San Bruno, California.*

Oh, Canada!

As soon as the June issue arrived and I looked through and found that it was mostly on Canada, I

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began to read and did not put it down until I had read the whole thing. Very refreshing. I suppose you will have a few arrows come your way but, when you think about it, the West of Canada and the West of the United States have an invisible common border. The same thing is true of Mexico. You know, some of the themes have been done so many times that it can get boring after a while. I found this excellent reading.

In closing, I would like to say that my wife and I completed seven years of Latin between us and have never written to a Marcus until now.—*Fred Nelson Kimmel, Brockport, New York.*

Vandalized Cemeteries

I just received my August issue of *True West.* As always, I read your column first. I felt I must respond to your thoughts regarding the vandalism and obvious disregard to many of our nation's cemeteries.

In my research for my book *From the Grave: A Roadside Guide to Colorado's Pioneer Cemeteries,* It was all too often that I experienced the same sight of vandalism across the state.

In an effort to preserve our past, I wrote this book, a compilation of pioneer lives, their historical significance, and their final resting place; a place of remembrance.

While writing and researching, I realized our cemeteries are in danger of being lost to progress and total disregard for their historical value. History can be learned from many venues, and the cemeteries of America are among them.

We must retain and respect our cemeteries in honor and memory of those interred as well as their historical value.—*Linda R. Wommack, Littleton, Colorado.*

Your letters and comments are welcome. Please keep letters to 300 words or less. All letters received by Western Publications will be considered for publication unless otherwise stipulated in the letter. Space does not permit us to print all letters we receive. Letters may be edited for space and clarity. Be sure to include full name, address, and zip code. Photos are welcome. Address all letters to Western Publications, PO Box 2107, Stillwater, OK 74076. E-mail us at, Western@cowboy.net. Due to the volume of mail, we cannot forward correspondence to people whose letters appear in "Truly Western."

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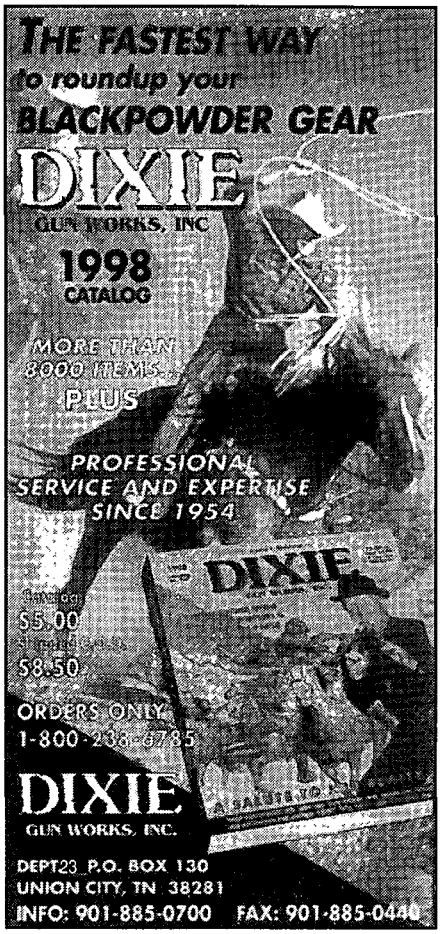

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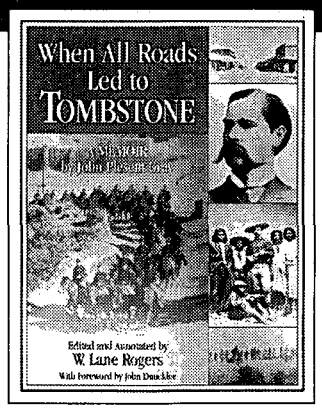

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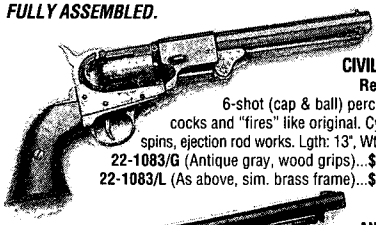

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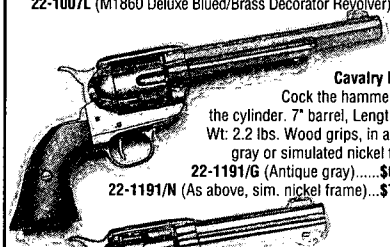

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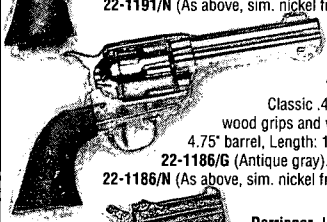

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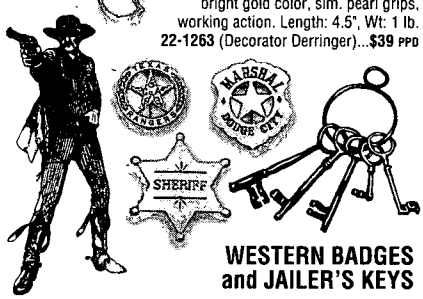

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EL RANCHO DE LAS GOLONDRINAS

By David Lebow

Nestled in the Cienega Valley just south of Santa Fe, New Mexico, lies El Rancho de las Golondrinas, the Ranch of the Swallows. It is a 600-acre living museum staffed by volunteers who give a glimpse of life in the Spanish colonial period.

The ranch was settled in the early 1700s by Miguel Vega y Coca. It straddles Cienega Creek and was the last resting place along the Camino Real before reaching Santa Fe. In 1972, las Golondrinas was opened as New Mexico's first living museum.

The earliest buildings were built in a defensive square surrounding a placita. The living room and chapel, the founders room, and portions of the kitchen have been restored,

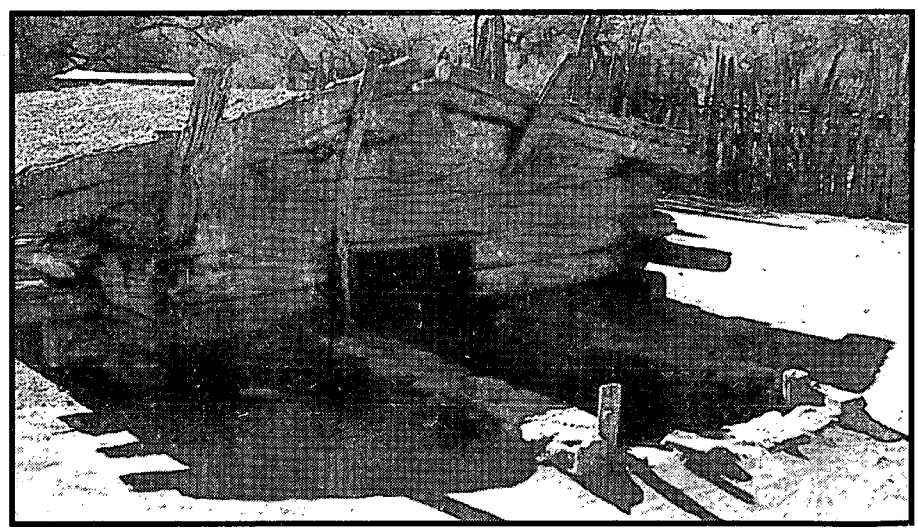

Photo by Kitty Howard

Root celler used to store fruit and vegetables which were stored between layers of straw on sand.

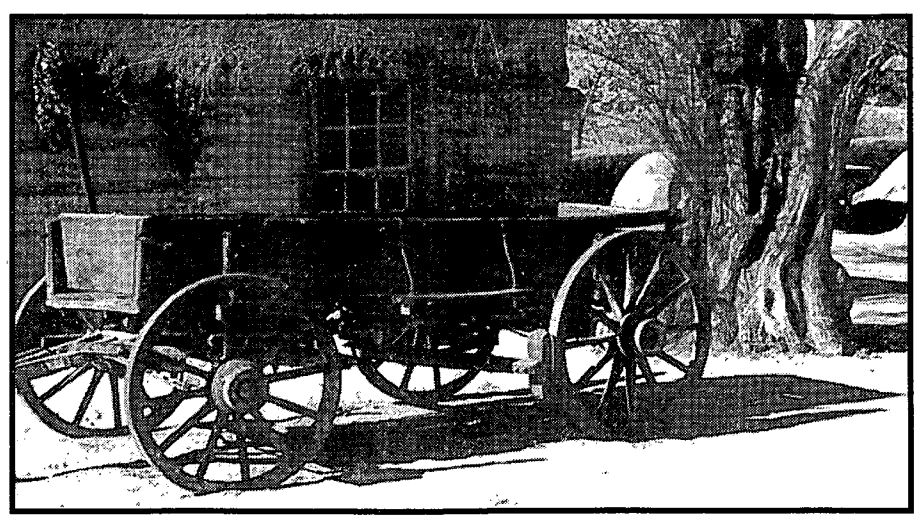

Photo by Kitty Howard

Hewn-log store building.

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while a dozen other rooms have been rebuilt on the original foundations. Many out-buildings were moved in from the surrounding area to round out the display.

Horses, burros, sheep, goats, chickens, and pigs, all of which were important to a self-sufficient community, can be seen at las Golondrinas. Bread is still baked in the ovens in the placita, and wheat is still ground at the water-powered mill.

A walking tour winds across the grounds, leading first to the Mother Ditch, used for centuries to irrigate the fields. Traditional crops, such as corn, beans, and squash, are raised using ancient seed varieties and methods.

Atop the hill south of the fields sits the Madrid House. Built in 1978 for the filming of *Butch Cassidy and the Sundance Kid: The Early Years* it now houses a Victorian bedroom and a doll collection.

Perched on a hillside beyond the Sapello Mill lies the reconstructed Sierra village. Its buildings span the period from the 1700s through the late 1800s. Here you can find the Mora House, made from sawn lumber, and the Casa de la Abuelita, the Grandmother's House, where young women were taught the old traditions and skills. Herb gardens and pens for small livestock fill the area between the village and the mill stream. A tranquil pathway from Sierra village back to the placita follows the banks of the Mother Ditch, past a blacksmith shop and the old Golondrinas mill.

El Rancho de las Golondrinas is located fifteen miles south of Santa Fe on County Road 584. The museum is open from April through October and offers both guided and self-guided tours. Theme weekends, festivals, and other special events, including a Civil War weekend in mid-May, are featured.

For more information, write El Rancho de las Golondrinas, Route 14 Box 214, Santa Fe, New Mexico, 87505, or call (505) 471-2261.

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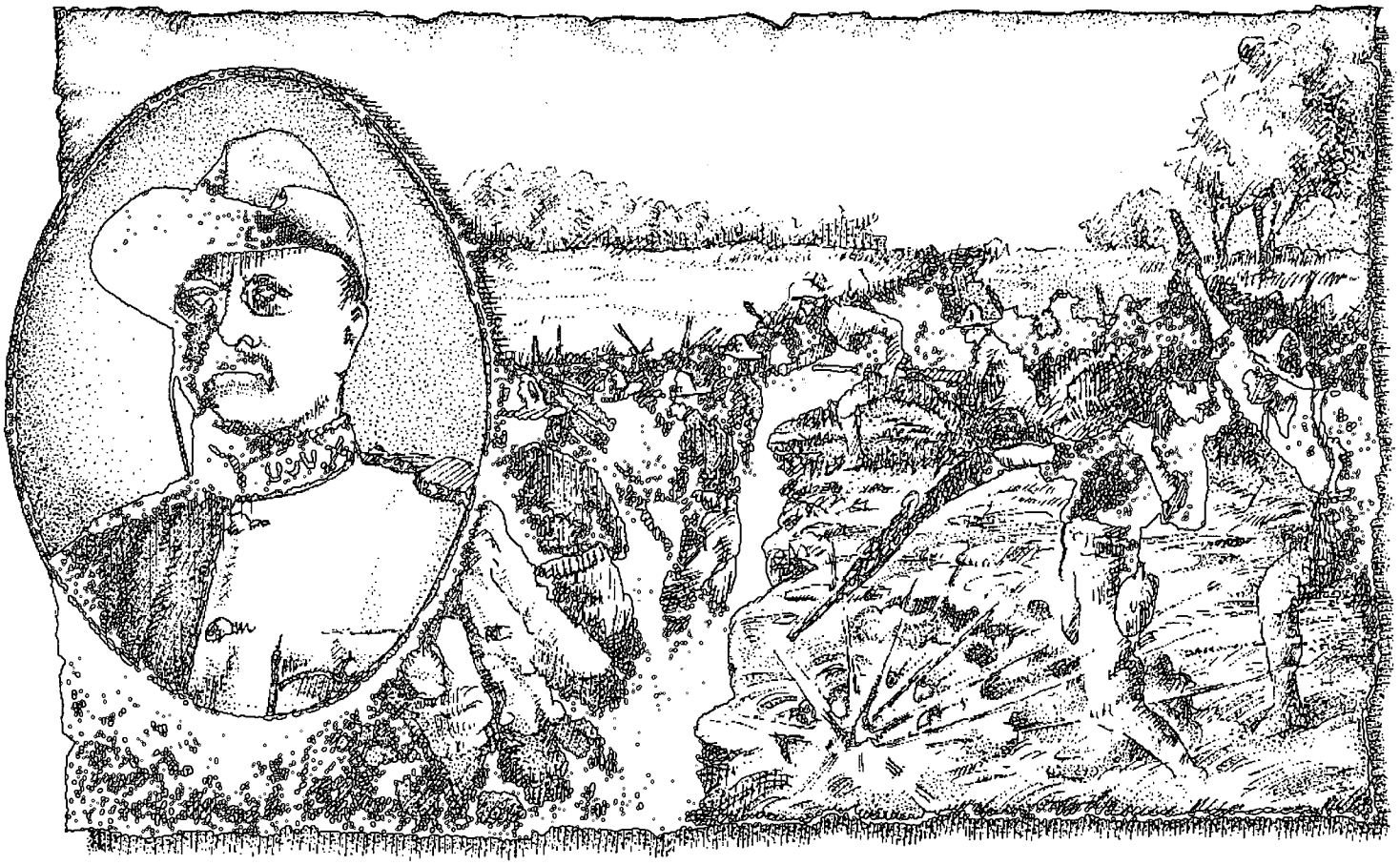

Teddy's Terrors:

Better Known As "The Rough Riders"

By Dale L. Walker

Interstate 94 cuts a swath across southern North Dakota from Fargo on the far east to Bismarck in the center of the state to the town of Medora and the Theodore Roosevelt National Park on the far west, a few miles from the Montana border. The Little Missouri River meanders toward Little Missouri Bay, sixty miles or so to the northeast of Medora, and cuts through the town, the National Grassland, and Roosevelt National Park.

It was in this remote territory that the name "Rough Riders" was born.

Theodore Roosevelt first ventured "out west" in September 1883, stepping off the train at the Little Missouri (called "Little Misery" by locals) station in Dakota Territory. He intended to hunt buffalo for a week or two and ended up investing nearly $85,000—an enormous sum in that era—in the cattle business and two ranches north of Medora, one known from its brand as the Maltese Cross, the other called the Elkhorn.

He would lose his investment and sell his property at a loss, but would never lose his enthusiasm for the region.

The year after his venture west, Roosevelt was in Albany, New York, serving as a state assemblyman, when he received an urgent message to return to his home on West 57th Street in New York City. There, on Valentine's Day 1884, he suffered the loss of his beloved mother from typhoid fever, and his wife Alice Lee, age twenty-two, of Bright's Disease, both in the space of twelve hours. Alice had given

Illustrated By Ira Kennedy

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birth to his daughter just two days before.

"The light has gone out of my life," Roosevelt wrote in his diary.

He returned that summer to the Little Missouri country to lose himself in work among the cowmen, people who called him "Four-Eyes" and "that dude Rosenfelder." They were amused to no end by his Harvardish manners, the fact that he neither smoked nor drank hard liquor, and that his idea of rough talk was to shout "By Godfrey!" in his high-pitched and raspy tenor voice. He uttered an occasional "Damn!" when particularly excited. (The first time Roosevelt took part in a roundup he ordered some cowboys to "Hasten forward quickly there!" and it became a classic phrase in the area with barflies thereafter telling the saloonkeeper to "hasten forward quickly" with their schooner of beer or shot of whiskey.)

The westerners had no choice: they had to like the barrel-chested man with the big grin, revealing white, horse-sized teeth under a brushy mustache, his pince nez glasses flashing in the sunlight. They stared in wonder at his outlandish costume of fringed and beaded buckskin shirt, broad sombrero, horsehide chaps, boots with silver spurs, and what Roosevelt called a "pearl hilted revolver," but they came to respect him. They listened slack-jawed as he spoke, which was often, pounding a fist into his hand to punctuate a story he had heard or a point he wanted to make. There was a lot to admire about a dude who came out from New York City, learned to ride a real western horse (one cowboy allowed that while Roosevelt "was not a purty rider, he was a helluva good rider"), rope steers, wrestle cows, and get "as brown and tough as a hickory nut."

Roosevelt told eastern newspapers when he returned from one of his western adventures, "For healthy exercise I would strongly recommend some of our gilded youth to go West and try a course of riding bucking ponies and assisting at the branding of a lot of Texas steers."

He even served a stint as deputy sheriff of Billings County and in one well-reported exploit, led a posse to chase thieves who stole a $30 boat from his Elkhorn ranch. He read *Anna Karenina* and Matthew Arnold in camp at night and within a few days on the trail captured the three culprits and delivered them to the sheriff's office in the town of Dickinson.

Western Publications Archives

He even served a stint as deputy sheriff of Billings County and led a posse to chase thieves who stole a $30 boat from his Elkhorn ranch. You had to like a man who could do that.

You had to like a man who could do that.

While spending a summer on his Elkhorn ranch in 1886, his correspondence to eastern friends such as Massachusetts Senator Henry Cabot Lodge showed Roosevelt's preoccupation with the possibility of "trouble with Mexico." Military affairs fascinated him and fired his imagination. He dreamed of military glory and searched for a potential enemy of the United States who might afford him a chance to lead men into battle. "Every true patriot, every man of statesmanlike habit, should look forward to the day when not a single European power will hold a foot of American soil," he wrote. And he often mentioned "problems" with the British, the French and the Germans, with the "Yellow Peril" of the Orient, with the Mexicans in Mexico, the Spanish in the West Indies, and even Canada, which he said could be "wrested" from England.

He wrote Lodge and others that in the event of war he would volunteer his services and perhaps "raise some companies of horse riflemen" from among the "harum-scarum rough riders of the West."

This was an idea he attributed to Baron Hermann Speck von Sternburg, later German ambassador to the United States, a professional soldier and marksman who had been a guest at Roosevelt's Oyster Bay home. In his 1913 autobiography, the soldier-to-be wrote that it was Von Sternburg "who first talked over with me the raising of a regiment of horse riflemen from among the ranchmen and cowboys of the Plains."

But it was Roosevelt, not his German friend, who used "rough riders" to describe these volunteer "horse riflemen," and he used it fourteen years before the name was attached to the most celebrated volunteer regiment in American history.

William Frederick Cody may have originated the felicitous pairing of the words. In 1883 he launched his "Wild West" extravaganza; there are 1894 posters extant advertising "Buffalo Bill's Wild West and Congress of Rough Riders of the World" and the phrase may have been used before Roosevelt used it in 1886.

But it was Roosevelt's Rough

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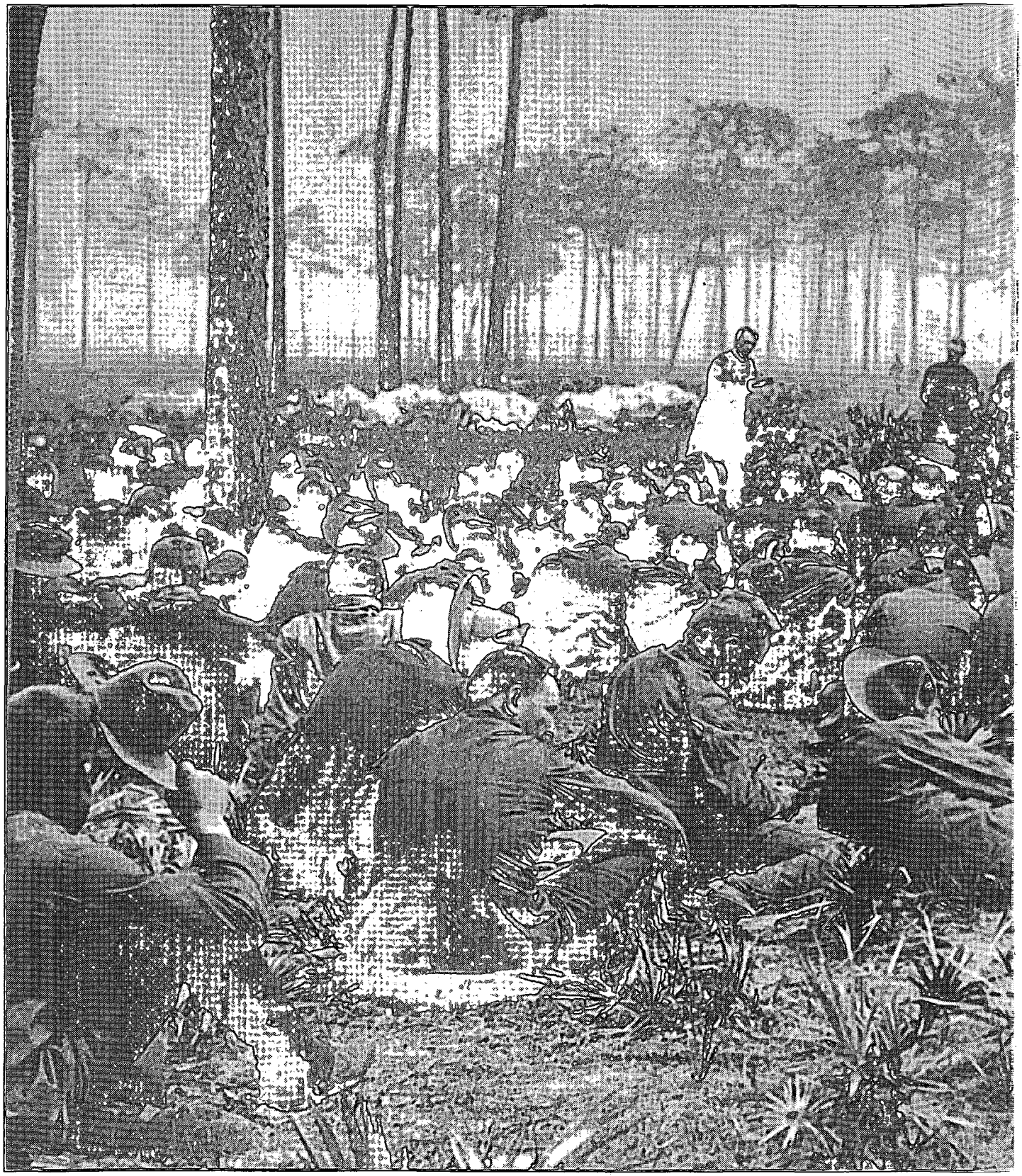
Riders who made an indelible imprint on history.

The War with Spain became official on April 23, 1898, and two days later a call for volunteers was issued by the United States War Department. The day after the declaration, War Secretary Russell A. Alger sent a telegram to Myron T. McCord, governor of Arizona Territory and a friend and former congressional colleague of President William McKinley. McCord and other Arizonans had been sending a flurry of messages to Washington begging to be



Religious services just prior to the Battle of San Juan Hill, July 1, 1898. Roosevelt can be seen standing with the officers, top right.

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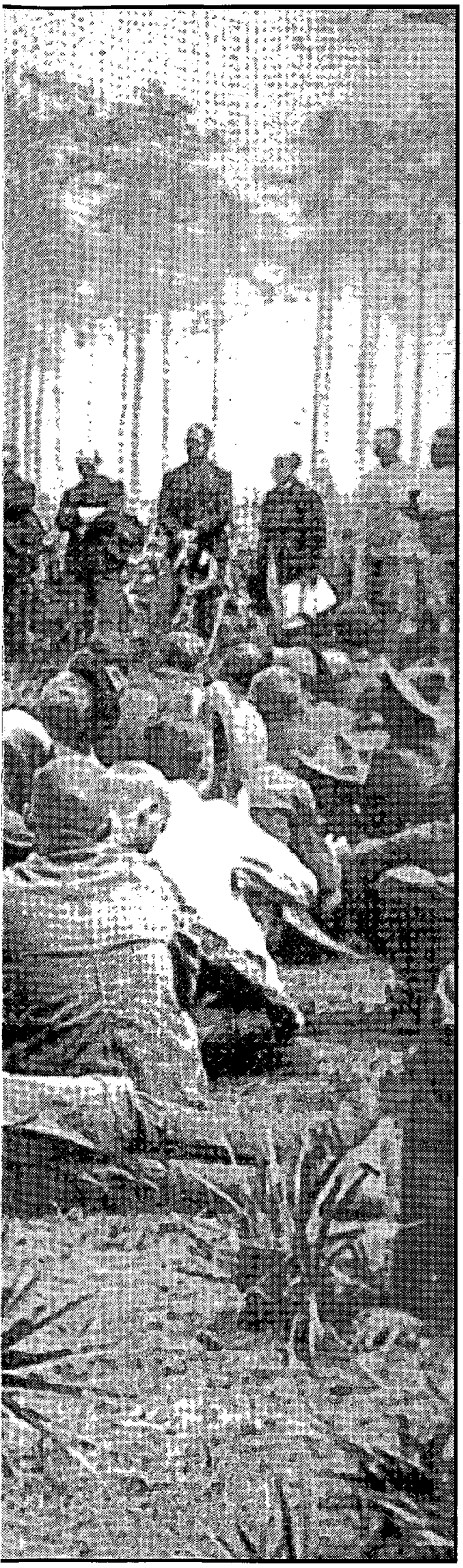
allowed to send a volunteer cavalry unit into the war everybody knew was inevitable. Alger wrote, "The President directs that Captain Leonard Wood of the United States Army be authorized to raise a regiment of cowboys as mounted riflemen, and to be its Colonel, and has named Hon. Theodore Roosevelt as Lieutenant Colonel. All other officers will come from the vicinity where the troops are raised. What can you do for them?"



Author's Collection

McCord could do a lot; he had, in fact, already done a lot. He had a fine former professional soldier and West Pointer, Alexander O. Brodie, already working with such territorial luminaries as Mayor William O. "Buckey" O'Neill of Prescott and the Tucson newspaperman James H. McClintock in recruiting volunteers.

A short time after his message to McCord, Alger specified that three such cavalry regiments be formed "exclusively of frontiersmen possessing special qualifications as horsemen and marksmen." The First U.S. Volunteer Cavalry Regiment was to be raised in the four territories (Arizona, New Mexico, Oklahoma, Indian); a second in Wyoming under Jay L. Torrey, a Wyoming legislator who had been pushing for a regiment of volunteers; and a third under Melvin Grigsby, adjutant general of South Dakota.

The First, which was the only regiment (actually demi-regiment since fewer than 600 shipped to Cuba) to see action in the war, was to be commanded by Colonel Leonard Wood. Wood was McKinley's (and Alger's) personal physician and a medical corps officer and was well-known in Arizona. In 1886 he had earned a Medal of Honor while commanding troops at Fort Huachuca in the closing campaign against Geronimo. Wood's second-in-command, Lieutenant Colonel Theodore Roosevelt, had recently resigned as assistant secretary of the Navy. Although Roosevelt was offered command of the regiment by Alger, he wisely declined in favor of Wood, an experienced professional soldier who was among his closest friends in Washington.

At first, Wood's command was designated at 780 men: 170 from Arizona, an equal number from Indian Territory, 340 from New Mexico, and 80 from Oklahoma. The allotments were subsequently raised to 1,000 men.

Before he left Washington on the train to San Antonio, Texas, on April 29, Roosevelt, thirty-eight years old and "fit as a bull moose," had given Brooks Brothers orders for "a blue cravanette regular Lieutenant-Colonel's uniform without yellow on the collar." Leggings and a soft felt campaign hat would complete the garish outfit. He took out a life insurance policy, packed a saber and a revolver salvaged from the *Maine*, which had mysteriously blown up in Havana Harbor on February 15, and had a dozen pair of pince nez glasses with steel rims made for the ensuing adventure. Several of these he subsequently sewed inside his hat.

Before heading out to rendezvous with Wood at the regiment's training ground in Texas, Roosevelt held an impromptu press conference, and answered a question about the name being attached to his volunteers—"Rough Riders." Said the lieutenant colonel, perhaps in an oblique reference to Buffalo Bill's "Wild West":

> The objection to that term is that people who read it may get the impression that the regiment is to be a hippodrome affair....The regiment may be one of rough riders, but they will be as orderly, obedient, and generally well disciplined as any equal number of men in any branch of the service....

In truth, Roosevelt never seemed to have more than a perfunctory "objection to that term," and that perhaps from the notion that it was "unmilitary"—something Roosevelt felt was a strongly negative thing to say.

In any event, the matter was out of his control. Two days before, Secretary Alger sent a telegram to Arizona Territory Governor McCord, which was quoted in Tucson's *Arizona Weekly Star* as making reference to "Colonel Brodie's regiment of Arizona Rough Riders."

The grafting of Roosevelt's name to the regiment was inevitable and

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A short time after his message to McCord, Alger specified that three such cavalry regiments be formed "exclusively of frontiersmen possessing special qualifications as horsemen and marksmen."

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as natural as the alliteration it created. It began even before the signs outside the San Antonio training ground went up pointing the way to "Camp of Roosevelt's Rough Riders."

Roosevelt became a media darling—newspapers being the only news medium of 1898—and had been so since his controversial service as New York City police commissioner, his failed candidacy for mayor of New York City, his under-secretaryship of the Navy, and his saber-rattling against Spanish rule of Cuba. His animated, bellicose speeches were covered in depth by the national press and his opinions were sought and given freely no matter his expertise, or lack of it, on the matter at hand.

Once the public became aware of the volunteer cavalry regiment and its second-in-command, Leonard Wood's name submerged as instantly as Roosevelt's arose. The *New York Press* put it succinctly and memorably: "Colonel Wood is lost sight of entirely in the effulgence of Teethadore."

The *Press* and other eastern newspapers experimented with such names as "Teddy's Terrors," "Teddy's Terriers," and even the unwieldy "Teddy's Cowboy Contingent." Only "Roosevelt's Rough Riders" caught on and stuck.

Leonard Wood did not seem to mind the name. There is no record of his uttering a word about the matter or having any serious disagreement whatsoever with his friend "Theodore," for whom he had genuine affection. Wood was never comfortable in the limelight and knew that Roosevelt seemed to thrive in it. (The only time Wood's name was publicly associated with his regiment occurred in Florida in June 1898, and that with merciful brevity. In Tampa, at the literal eleventh hour, it was determined that the thirty-two coastal steamers which were to carry General William R. Shafter's Fifth Army Corps to Cuba were inadequate in size and number to get the job done. As a result, every regiment was foreshortened—the Rough Riders to under 600 men—and all horses except those for high-ranking officers and couriers had to be left behind. Thus did the Rough Riders, cavalry volunteers, embark horseless for Cuba, dubbed by some alliteration-drunk wag, "Wood's Weary Walkers.")

The Rough Riders made their mark in the Santiago Campaign in Cuba in the summer of 1898. The strange amalgamation of territorial westerners; scions of wealthy eastern families; Harvard, Yale, Princeton, and Columbia athletes; and graduates of the School of Hard Knocks, worked well together and fought well together. They also died together.

In their baptism of fire, the ninety-minute skirmish on June 25 at the jungle crossroads called Las Guasimas, sixteen Americans were killed, fifty-two wounded out of a force of nearly 1,000 men. The Rough Riders, with 560 troopers in the battle, suffered half of the overall casualties.

At Kettle Hill and San Juan Hill of July 1, 1898, Roosevelt—who now commanded the regiment following Wood's promotion to brigadier general—counted 490 Rough Riders in the battle. Eighty-nine were killed or wounded, his regiment suffering a fifteen percent casualty rate, the heaviest loss of any regiment in General "Fighting Joe" Wheeler's cavalry division.

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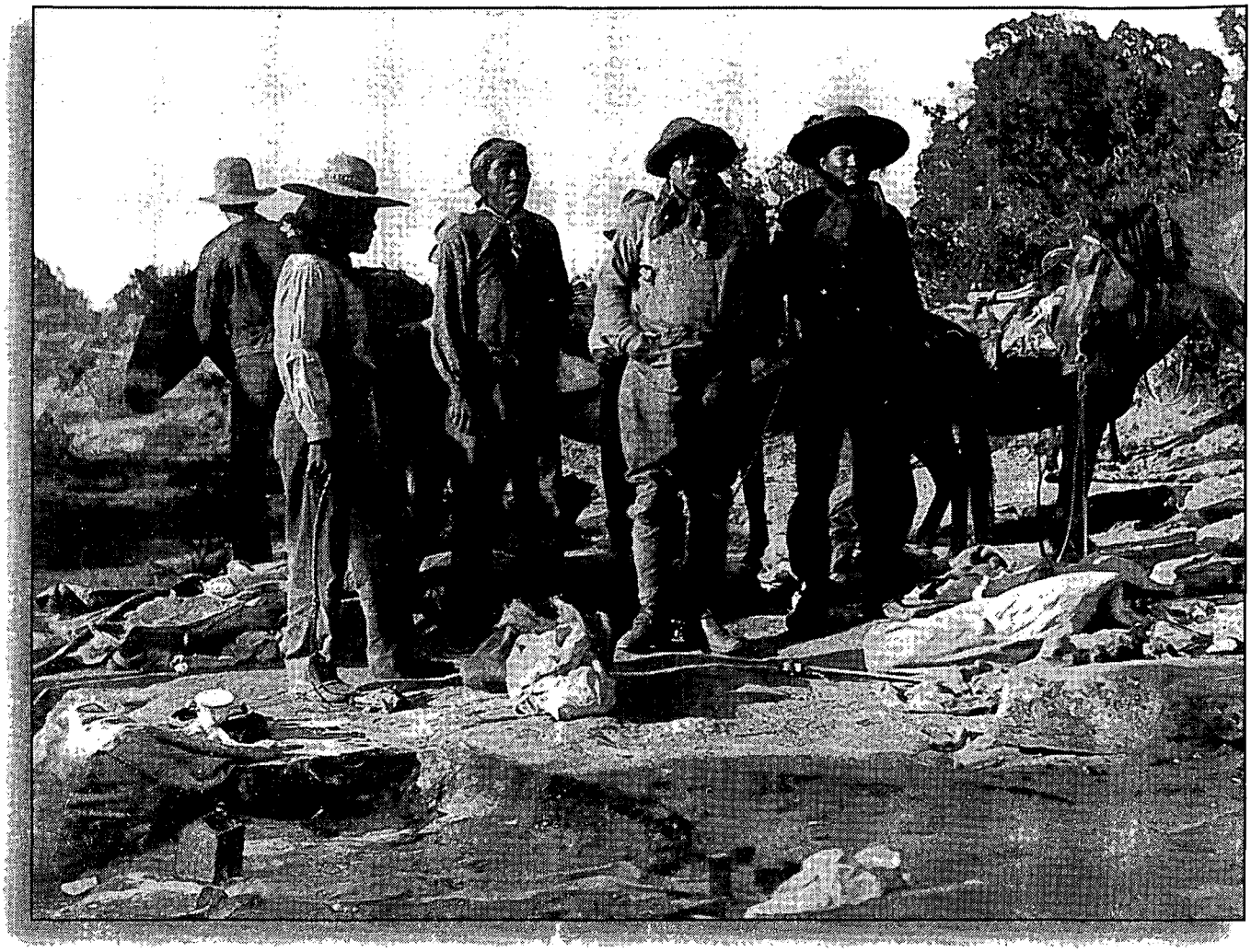

Grand Canyon National Park

President Theodore Roosevelt, three Navajo companions, and his trail party during a 1913 visit to the Grand Canyon. Note the Log Cabin Syrup tin in the foreground. Even during his time in office, Roosevelt's love for the West never waned.

After Las Guasimas, the *New York World* printed an editorial that summed up the attachment—by name and spirit—of the effervescent Roosevelt and his Rough Riders:

> In many ways the regiment is an elaborate photograph of the character of its founder, Theodore Roosevelt. At odd times he is a ranchman, hunter, politician, reformer, society man, athlete, literateur and statesman. Only in his complex brain, with its intense versatility, could the idea of forming such a regiment have been born. But its wide knowledge of the ramifications of the social scale told him that the men he wanted were working upon every round of the ladder from the bottom to the top. He knew that the Fifth Avenue clubmen had the genuine fighting stuff, as well as the plainsman who carried a dozen notches on his gun. It only needed opportunity to bring it out.

Four months after he led the charge up Kettle Hill, Roosevelt was elected governor of New York; in less than three years he was president. In the twenty-one momentous years left of his life following the end of the war and the disbanding of the Rough Riders, he never forgot his "great big, goodhearted, homocidal children," his "children of the dragon's blood." He attended their reunions, assiduously defended the regiment's record, and sought federal appointments for certain deserving former troopers (and a few undeserving ones). Even as late as 1917, with America's entrance into the European war, he met with President Woodrow Wilson (whom he disliked), hoping to be allowed to organize a body of volunteers along the lines of his beloved 1898 regiment.

In 1900, when he published his memoir of the Cuban campaign, he wrote of his soldiers frankly and with humor, calling them "a regiment of as gallant fighters as ever wore the United States uniform." Whatever objection he had to the name he had conjured up in the Little Missouri country in 1886 had long ago vanished.

He titled the book *The Rough Riders.*

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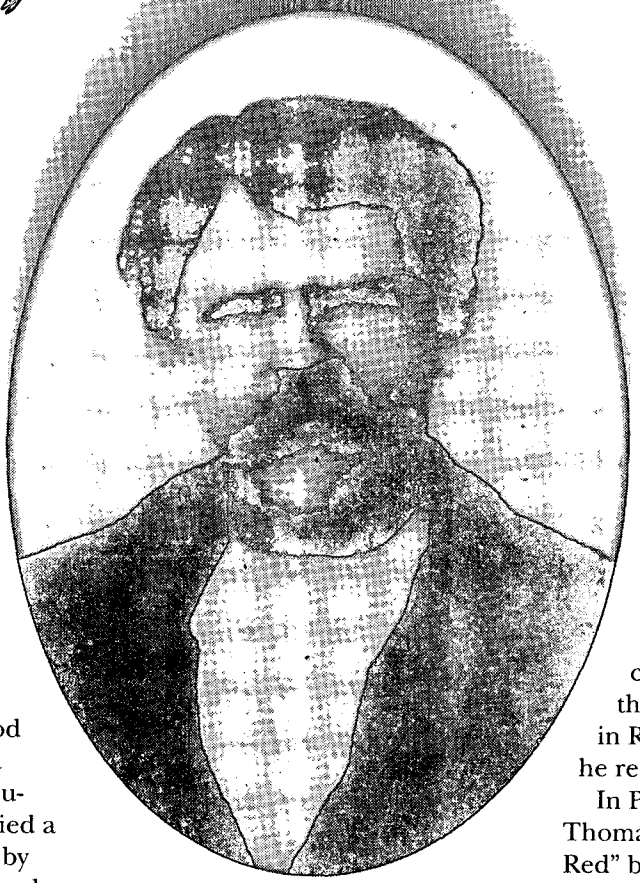
The Killing of Billy Lynn

By Harold L. Edwards

In July 1902, Billy Lynn was a thirty-four-year-old single man who resided with his parents in Porterville, California, a small farming community lying next to the Sierra Nevada foothills of southeastern Tulare County. He spent much of his time drinking and gambling in Porterville's numerous saloons, although from time to time he was employed about the area as a laborer. Lynn was not a hardcase troublemaker although he was an accepted member of the town's saloon society. He seemed to be on good terms with everyone and it was a shock and surprise to the community when on July 27, 1902, he died a prolonged and agonizing death by the hand of his friend, saloon tough Jim McKinney.



Jeff Edwards Collection

Billy Lynn.

Jim McKinney had long been celebrated as the town's badman. Indeed, McKinney was known as a dangerous character all over the southern San Joaquin Valley and the Mojave Desert region of Kern County. His credentials for his title were well-proven and impressive.

In 1885, McKinney was charged with assault with a deadly weapon in Merced County, California, and upon his guilty plea served a six-month jail sentence for the charge. In 1889, he tried to shoot Porterville saloon owner Tap Carter, but his pistol misfired and he was arrested before he could trigger again. While awaiting his trial for assault with a deadly weapon, he and a companion escaped. McKinney was apprehended in Rawlins, Wyoming, and returned to Tulare County to stand trial for assaulting Carter and for breaking jail. He was found guilty of both charges and sentenced to San Quentin prison, arriving there in early 1890.

McKinney was released in 1894 and secured employment as a miner in Randsburg, a booming mining camp. It seems he worked enough to provide himself with a gambling stake each time he was financially broken; otherwise, he spent his time drinking and playing cards in Randsburg's saloons. In 1899 he was arrested for assault with a deadly weapon. He had severely pistol whipped J.E. Harris, an inoffensive miner, in a Randsburg saloon. He stood trial on the charge but was acquitted by the jury. However, his welcome in Randsburg was exhausted and he returned to Porterville.

In Porterville, McKinney and Thomas Sears, known as "Long Red" because he was tall and red-haired, formed a gambling partnership and toured the towns of the southern San Joaquin Valley on a circuit, ending in Bakersfield. On the night of December 12, 1900, McKinney, after an evening of carousing and heavy drinking with Sears, shot his partner dead behind a saloon in Bakersfield's tenderloin district. McKinney was arrested and stood trial for murder. A jury acquitted him of the charge, apparently feeling the shooting was just an incident between two tenderloin district toughs. Over the years there had been other incidents involving McKinney around the San Joaquin

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William Secrest Collection

Jim McKinney.

Valley but he was either not arrested for them or paid fines and was released. However, in July 1902, McKinney's reign of death and terror was just beginning.

Jim McKinney's troubles, and those he caused others, revolved around his frequent and heavy use of alcohol. When sober, he was polite, accommodating, pleasant, and unassuming. When under the influence of alcohol, he became a coarse, aggressive, and brutal gunman. Because of his troublesome nature and activities, the local law enforcement officers paid him special interest, which McKinney resented.

On the night of July 26, 1902, Jim McKinney was on duty in J.R. Beard's Mint Saloon in Porterville, where he was employed as manager, house dealer, and bartender. He began drinking heavily early in the evening, and as the night wore on he became more and more intoxicated. Suddenly, almost as if he had made a declaration of war, McKinney retrieved his revolver from behind the bar and left the building.

He made the rounds through several saloons without incident before he arrived at Scotty's Chop House, a restaurant and bar owned and operated by a Scot named Ralph Calderwood. McKinney offered to buy Calderwood, an old friend, a drink. Calderwood recognized that McKinney was armed, drunk, and in a foul mood. In order to try and avoid trouble, Calderwood agreed to drink with the drunken gunman. One drink followed another and by midnight both men were loud and boisterous.

Suddenly, McKinney began cursing the local law enforcement officers. He claimed that Porterville City Marshal John Howell and his deputies had singled him out and that he resented their interest in him. It isn't known if McKinney simply wanted to bluff the local lawmen into inactivity or if he wanted to kill one or more of them, but in order to provoke an incident, McKinney drew his pistol and fired it into the floor. The shot was the opening round to a tragic night in Porterville.

At the moment Jim McKinney fired the shot into the floor of Scotty's Chop House, Billy Lynn, George Redd, an unidentified man, and Ed Zalud were playing cards in Ed Zalud's saloon, next door. The card players paid no attention to the sound of the shot and kept on with their game. McKinney could see them because the windows of the two saloons were directly opposed to each other and open. McKinney fired a shot at the poker chips on the table in Zalud's saloon, and the card players dived for cover.

McKinney reloaded his revolver and invited Calderwood to do some shooting. However, Calderwood was too intoxicated to work the gun. McKinney took the gun from Calderwood with the remark: "I'll show you how it is done, you Scotch son of a bitch." McKinney fired another shot into the saloon floor.

At this moment, Billy Lynn walked into the Chop House and said, "Jim, you came pretty near to making me lose a $30 pot in there." McKinney, in a civil manner, replied that he had no intention of causing Lynn to lose a card hand, and invited Billy to have a drink with him. McKinney bought the drinks and Lynn reciprocated. Bartender E.E. Jones loaded McKinney's drinks with extra amounts of whiskey in hopes of rendering the troublemaker unconscious, but the ploy was unsuccessful and McKinney kept on drinking.

Fifty-four year-old Deputy City Marshal John Willis, who had been attracted to the Chop House by the shooting, sat on a stool at the end of the bar and quietly watched McKinney. Finally, the badman noticed the lawman and tried to provoke an incident with him by saying he had a notion to shoot the heart out of a nearby electric fan. Spurred on by Calderwood's dare to "Shoot it," McKinney blasted the fan. Willis knew McKinney had to be arrested and removed from the saloon. He also knew he faced a man with a gun in his hand who would not hesitate to shoot him. Further, he couldn't depend on anyone in the saloon to assist him. He walked out of the saloon to the home of City Marshal John Howell and advised Howell of developments in the Chop House. Willis said an attempt to arrest McKinney would make the situation worse, but both men knew the dangerous job had to be done, if possible.

Howell and Willis enlisted the help of Porterville Constable William Tompkins and city fireman Amos Lyons. The four officers, armed with revolvers, walked to Scotty's Chop House. As they approached the saloon's front door, McKinney stepped out onto the sidewalk, firing his revolver toward the opposite end of the street. As the officers ran toward McKinney, he holstered his gun and walked in the opposite direction.

"Jim! Hold on! I want to see you!" Willis shouted. McKinney,

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Porterville, California, at the time of Jim McKinney's bloody rampage in 1902.

Jeff Edwards Collection

looking at the lawman, yelled, "You son of a bitch, you do?" McKinney quickly drew his revolver and fired it at the officers. Howell and Lyons each fired their pistols at McKinney, but they missed. Willis drew his revolver but he didn't fire, instead, he shouted, "Jim, stop that shooting!" McKinney replied by firing a shot at Willis, just as the lawman returned fire. Both men missed. As McKinney turned and ran across the street, Willis snapped another shot at him, and McKinney returned fire once more. Once again, both men missed their shots. By this time, however, both Tompkins and Lyons had been grazed on their arms by McKinney's gunfire and a curious onlooker, Billy Lynn, had received a minor wound in his arm during the exchange of shots.

When McKinney's gun hammer clicked on an empty cartridge, Willis called to his fellow officers, "Come on! We've got him!" Willis charged ahead, and McKinney turned and ran. As McKinney retreated down the street, he reloaded his gun. He turned and shot at Willis, missing once more. McKinney turned and ran again, and Willis shot him through the left thigh. However, the wound didn't bring the badman down; he kept running but not as fast as before.

The aging Willis caught McKinney and tried to knock him down with a blow across the shoulders with a heavy cane. However, the cane broke and McKinney kept running. McKinney screamed, "You goddamned sons of bitches can't take me!" He fired another shot at Willis, this time striking the courageous lawman in the mouth. The bullet exited from under Willis' jaw bone. The force knocked him down and unconscious. Although serious and painful, Willis eventually recovered from the wound. After shooting Willis, McKinney continued running down the street.

Constable Tompkins chased McKinney for two more blocks. McKinney stopped and shouted to him, "You quit chasing me, you son of a bitch, or I'll kill you!" The badman turned and ran again while Tompkins fired two shots at the fleeing man. Both shots missed. Tompkins returned to the downtown area because he was out of ammunition, as were the other officers. For the moment, they were unarmed. But they were also in a state of shock from the sudden violence and the serious wounding of Deputy Willis. The demoralized officers carried Willis to the office of Dr. John Hardeman and telephoned the doctor at his home to come to his office and treat the wounded officers.

In the meantime, McKinney retreated several blocks to the house he shared with his paramour, a prostitute named Vera Mason. Vera wanted to bandage his leg wound, but the alcohol and adrenaline-charged McKinney shoved her away and went on to gather ammunition for the rifle and shotgun he had added to his arsenal. Frightened by McKinney's intense killing mood, Vera Mason fled to the nearby home of a friend. Rearmed,

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Chop House saloon owner Ralph "Scotty" Calderwood.

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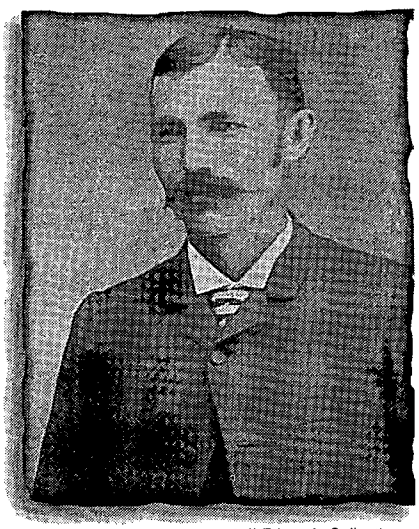
Porterville Deputy City Marshal John Willis.



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Porterville City Marshal John Howell.

McKinney walked back up the street toward town.

Billy Lynn was one of McKinney's close friends, and after the gunfight downtown he felt McKinney might be badly wounded and in need of help. He and a companion, Clint Kelly, walked down the street toward McKinney's last known location. They hadn't gone far when McKinney approached them. McKinney saw them in the dim of the street lights and shouted, "Halt! Halt!" Before Lynn or Kelly could answer him, McKinney fired a charge from his shotgun. Lynn collapsed to the street, laced with shot from his neck to his knees. He gasped, "Clint, I'm shot! I guess I'm done for!"

Kelly shouted at McKinney, "Jesus Christ, Jim! Don't you know you are shooting your friends?" McKinney replied, "The goddamned sons of bitches wounded me, and I'll get anyone who interferes with me!" McKinney walked on up the street without shooting again.

Kelly left Lynn lying in the street while he ran to fetch Billy's parents.

Uncontested, McKinney walked on to the Arlington livery stable. At gunpoint, he ordered hostlers F.C. Butler and T.J. King to prepare a two-horse cart for him to leave town. "Be damned quick about it," he ordered.

While his cart and horses were prepared for him, McKinney stood in the barn doorway and occasionally fired his rifle toward town to discourage anyone from moving toward him. At the same time, he kept a close watch on the hostlers to see that they did as he ordered.

When his cart was ready, McKinney drove through Porterville's streets to the home of David Moshier, a saloon owner and longtime friend. En route, McKinney saw George Barron, a typesetter for the *Porterville Enterprise*, standing on the porch of a hotel. Barron noticed that McKinney saw him, and turned to go inside the hotel. McKinney fired his shotgun at the newspaperman as he passed. Barron was peppered by shot in his arm and middle back, but his wounds were not serious. A second shotgun blast by McKinney slightly wounded bystander W.B. West in the right arm and hip.

In the meantime, Billy Lynn still lay in the street, alone and calling for help. Porterville's citizens were besieged by the rampant McKinney, whom they knew well, and they were afraid to go to Lynn's aid. However, an unidentified man walked up to Lynn and said, "I don't know who you are, and I don't give a damn. I will help you." He carried Lynn to the porch of a nearby home, where the occupants made Lynn as comfortable as possible. The unidentified man walked away and disappeared.

McKinney arrived at the Moshier home to find his friend asleep. He hammered on the door until Moshier answered. Excitedly, McKinney informed Moshier that he had just killed four or five men downtown and had to get away, quick. He asked Moshier for all of the money Moshier had, which amounted to $61. McKinney told Moshier that he could get his money back if he asked the bartender in the Mint Saloon for a box McKinney kept in the saloon safe, which contained $100. Several days later Moshier got the money from the Mint Saloon as McKinney directed.

While McKinney was at the Moshier home, Billy Lynn was carried to the Palace Hotel and put to bed in a room on the second floor. His friends telephoned Dr. Hardeman, who was just leaving his home in answer to the first telephone call regarding Deputy Willis. Dr. Hardeman was advised that Billy Lynn had been critically wounded and was at the Palace Hotel. Dr. Hardeman didn't take time to harness a horse to a buggy for the trip downtown; it was faster to walk the distance.

After leaving the Moshier home, McKinney drove his cart through side streets toward the main street leading from town to the north. In the dim glow of streetlights, McKinney saw Dr. Hardeman walking toward him. McKinney stopped and greeted the doctor, "Hello, Doc.

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Where in the hell are you going?" Dr. Hardeman replied that he was going downtown to see the men who were shot. McKinney asked him who the wounded men were, and Dr. Hardeman informed him that one of the wounded was Billy Lynn.

McKinney became angry, and said, "The sons of bitches shot me too," as he pointed to his wounded leg. The nature of this remark was strange as it seemed to imply that McKinney thought the officers had also shot Billy Lynn. Dr. Hardeman examined McKinney's wound with his fingers as he couldn't see in the dark. He felt blood but couldn't tell how serious the wound was. At this point, the outlaw insisted that Dr. Hardeman accompany him, but the physician refused to get in the cart. He said he had to see about the wounded men, and, besides, McKinney was going in the wrong direction.

McKinney became maudlin and was reduced to tears. He told Dr. Hardeman that the physician had always been his friend, and further, the physician had always been good to the McKinney family. Dr. Hardeman interrupted McKinney by saying that he wouldn't tell McKinney's mother about the outlaw's wound and what had happened. Dr. Hardeman's words seemed to mollify the outlaw, and he drove out of town while Dr. Hardeman hurried to tend to the shooting victims.

Billy Lynn suffered sixteen agonizing hours before death released him from his misery. Doctors John Hardeman and Schyler Barber were together or alone at Lynn's bedside constantly. They did all they could for the wounded man, but other than administering opiates to try to deaden the pain they could do little for him. Lynn suffered eighteen buckshot wounds between his neck and his knees, and any one of several wounds in his abdomen would have been fatal.

For several hours prior to his death, however, Lynn was rational, and during this time he was interviewed by Tulare County Deputy District Attorney George Murray. Lynn informed Murray that he had watched the officers during their approach to Scotty's Chop House and that he had witnessed the ensuing gunfight between McKinney and the officers. "After McKinney got away, Clint Kelly and I walked down to where McKinney was last seen. Jim never said a word—just turned loose and shot me." Murray probed further by asking Lynn if there had been any trouble between the two men. Apparently, McKinney hadn't resented Lynn's approach to the badman earlier about the shooting at the poker table in Zalud's saloon because Lynn replied that there had been no trouble between he and McKinney at the time. "McKinney just shot me."

The local press speculated that Lynn's death was no mistake, that McKinney was fully aware of who he had killed and that he had fired the fatal shot deliberately. The newspaper reporter felt that McKinney was angry with Lynn because the latter had paid too much personal attention to Vera Mason. However, there was no evidence to support this contention. It appeared that the dim light and McKinney's excited and intoxicated condition led him to believe Lynn and Kelly were pursuing citizens or officers.

McKinney stopped and greeted the doctor, "Hello, Doc. Where in the hell are you going?"

On the day following Lynn's death, Tulare County Coroner T.C. Carruthers held an inquest into Lynn's death. Testimony was taken from the officers and citizens who were involved or witnesses to the event, and Drs. Hardeman and Barber. The coroner's jury rendered a verdict based on the gathered evidence:

> William G. Lynn was a native of California. Age about thirty four years. He came to his death on the 27th day of July, 1902, in this county by a gunshot wound inflicted by one James McKinney. We further charge said James McKinney with willful murder.

Billy Lynn was buried in the Lynn family plot in the Plano cemetery (now the Vandalia cemetery), a short distance southeast of downtown Porterville.

From the night of July 26, 1902, Jim McKinney crossed the line from a saloon tough to a hunted criminal and two-time murderer without redeeming qualities. The die was cast, and McKinney's days were numbered. Of course, some of his friends remained loyal to him but, in general, public tolerance for the local badman had evaporated. A legal hangman's noose awaited him if he could be apprehended. McKinney was aware of this, and he vowed he wouldn't be taken alive. After he ambushed, robbed, and murdered Leroy Winchester and Charles Blakely on a mountain trail in Mohave County, Arizona, he made an epic horseback ride to Kernville, California.

McKinney slipped into Bakersfield about April 17, 1903, and hid-out in the rented room of a friend, Alfred Hulse. Kern County Sheriff John Kelly learned where McKinney was, and on April 19, 1903, he and a posse surrounded the building. In the ensuing gunfight two officers were mortally wounded by McKinney and Hulse, before McKinney was finally shot dead with two well-aimed shotgun blasts fired by Kern County Deputy Sheriff Burton Tibbet.

Many citizens breathed a sigh of relief when McKinney was killed because his death meant Porterville would be a safer and more ordered community. Many felt he got exactly what he deserved for his callous murder of Billy Lynn, a man who had tried to help him.

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Illustrated By Michael Nunnally

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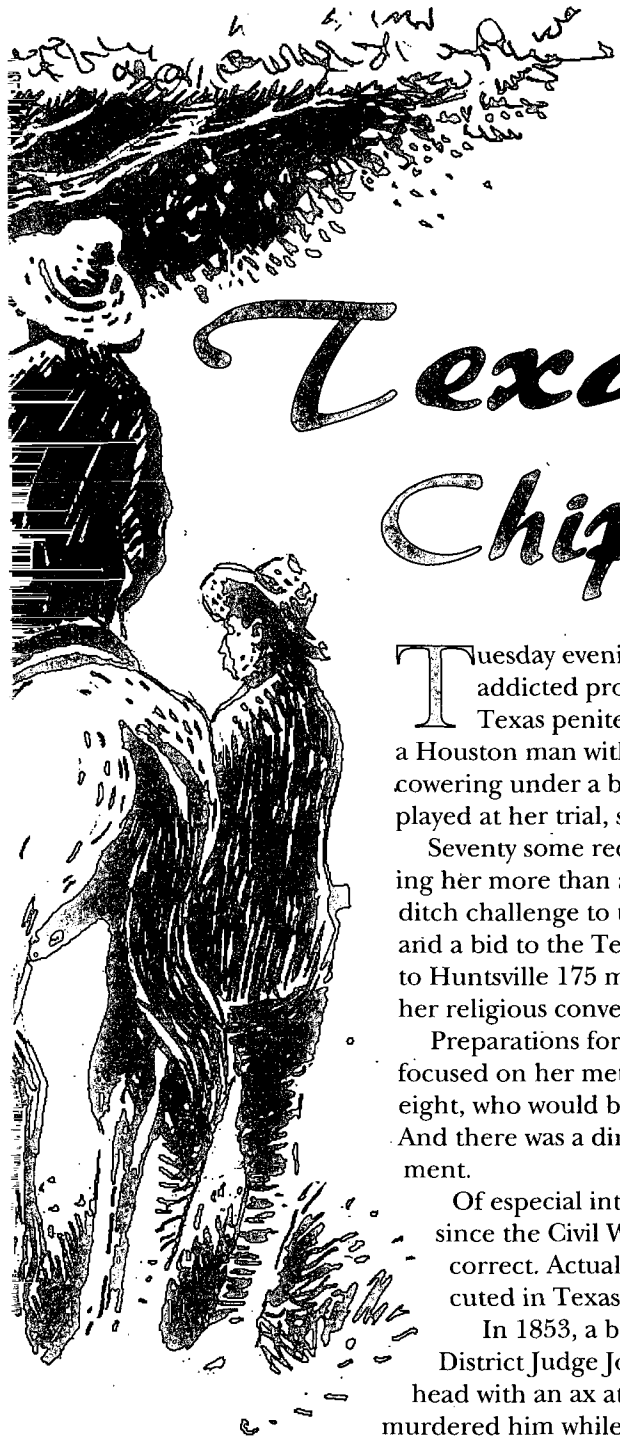

When Texas Hanged Chipeta Rodriguez

Tuesday evening, February 3, 1998, Karla Faye Tucker, a former teen-aged, drug-addicted prostitute who found religion in prison, died by lethal injection in the Texas penitentiary at Huntsville. Her crime was the 1983 bludgeoning to death of a Houston man with a pickax, and then turning the ax on his female companion who was cowering under a blanket in a corner, to eliminate the witness. On a tape recording played at her trial, she bragged to friends that she got a sexual thrill out of the attack.

Seventy some requests for commutation before the Board of Pardons and Paroles during her more than a decade on the female death row at Gatesville prison, as well as a last ditch challenge to the state's clemency process before the United States Supreme Court and a bid to the Texas governor for a stay of execution, had failed before she was flown to Huntsville 175 miles away, where executions are carried out. Neither her gender nor her religious conversion played a role in the decisions.

Preparations for the Huntsville execution even invoked worldwide pleas of mercy focused on her metamorphosis from a drug-crazed teen to a soft-spoken woman of thirty-eight, who would be content with life imprisonment and helping others behind bars. And there was a dirge of usual pros and cons (Biblical and otherwise) on capital punishment.

Of especial interest was the claim that she was the first woman executed in Texas since the Civil War and the second to meet such fate in that state. This is only partially correct. Actually, Karla Faye Tucker was the third of her gender to be legally executed in Texas since its beginnings as a Republic.

In 1853, a black woman named Jane Elkins was tried before Texas' famed jurist, District Judge John Henninger Reagan, for knocking a man named Wisdom in the head with an ax at Farmers Branch, in Dallas County. Wisdom had hired Jane, and she murdered him while he slept.

The case of State of Texas vs. Jane, a Slave, preserved in a volume of district court records at the Texas/Dallas History and Archives Division, J. Erik Jonsson Library, shows that, on May 16, a jury "found defendant guilty of murder in the first degree"; that she was "a slave of the value of seven hundred dollars"; and her owner had made no effort to "evade or defeat the execution of the law upon said defendant." On May 17, the defendant having nothing to say why judgment should not then and there be passed, it was "ordered, adjudged and decreed by the court that the sheriff of Dallas County keep the said Jane in close confinement in the common jail of Dallas County until Friday the 27th...and that between the hours of 11 o'clock AM and 3 o'clock PM, the sheriff take said Jane from the common jail of said county and convey her to a gallows erected for that purpose and there hang the said Jane by the neck until she is dead...."

By Glenn Shirley

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Jane Elkins went to her death on May 27, 1853. Perhaps because she was a slave, she has been forgotten.

The second Texas woman launched into legend by the hangman's noose has been given considerable attention in books, magazines, and newspapers. She was Chipeta Rodriguez, and the event occurred a decade later in San Patricio County.

San Patricio County consists of 689 square miles of level terrain rising to hilly country in the west and fronting Copano and Corpus Christi bays on the tidewater Coastal Plain of South Texas. The Aransas River makes part of its boundary on the north; the Nueces River forms its southwestern boundary, along which huisache, live oak, and mesquite are abundant. Mexican sheepherders used the area before the Anglo-Americans came. A Mexican colonization contract of 1828 entitled John McMullen and James McGloin to eighty leagues of land on which they were to settle 191 families. In 1830, forty families were landed at Copano Bay and conveyed to the vicinity of Round Lake, where a site was laid out on the north side of the Nueces River and named San Patricio de Hibernia, patron saint for whom McMullen and McGloin named their Irish colony.

San Patricio town, composed of log and picket cabins, was the seat. Cattle raising became the chief livestock production, which included hogs and sheep. The sandy loam, clay and black loam soils were adaptable to cotton, grains, corn, flax, fruit, and vegetables. By 1836, the colonists numbered about 500, and eighty-four grants of land had been made.

ON JANUARY 22, 1836, a Texas force of about 100 men under Francis W. Johnson and James Grant proceeded from Goliad to San Patricio on the projected Matamoros Expedition. On February 27, while Grant and a scouting party were absent, a Mexican army under José Urrea surprised and overwhelmed the remaining force of thirty some men, killing ten of them and taking eighteen to Matamoros as prisoners. The rest, including Johnson, escaped. The town was burned.

The colonists took refuge in Victoria until the withdrawal of the Mexican army after the Battle of San Jacinto. By the summer of 1836, most of the families had returned to San Patricio to build anew. With the creation of San Patricio County in 1836, San Patricio was designated as county seat, and remained so with county organization in 1837. A courthouse and jail were built on Constitution Square. A new county organization was made in 1847. But the growth of the Irish settlement remained retarded by events of the Mexican War, and again suffered from considerable lawlessness during the Civil War as cotton and other commodities were smuggled to Mexico.

Chipeta Rodriguez lived in a hut at a way station for travelers on the vast John J. and Eliza Welder ranch lands on the Aransas River, on a trail that led from adjoining Refugio County to San Patricio and the Rio Grande Valley. Copper-skinned, past middle age, with thin shoulders slightly stooped, and weighing less than 100 pounds, Chipeta was not a pretty woman. Only her black eyes that darted venomously when annoyed by passersby seemed alive. Assisting in her meager inn operation was Juan Silvera, nicknamed Juan "Chiquito" (Little John) because of his diminutive size, and believed to be an illegitimate son.

In August of 1863, a horse-trader named John Savage sold some animals to the Confederate Army near San Antonio, and on his way home to Corpus Christi with over $600 in gold in his saddlebags, he stopped at Chipeta's inn for food and a night's lodging. When he failed to arrive home at the scheduled time, two of his friends made inquiries along the route he was supposed to travel.

No one had seen Savage pass through San Patricio, so the friends enlisted Sheriff William B. Means of San Patricio County to assist in their search farther up the trail. They paused to question Chipeta. She stood in her door, looked up impassively at the men on horseback, and denied that Savage had been at her place. Juan Silvera also denied having seen the trader, and with no reason to suspect the woman or her son, the men rode on.

The trader's horse was finally discovered grazing on the Welder Ranch, still saddled, but the saddlebags missing. A few days later, two of Welder's slaves were washing clothes in the Aransas River not far from Chipeta's home when they saw a long object wrapped in corn bags floating near the edge of the water. With a tree branch, the women pulled the object to shore. Its fetid odor made them realize it might be a body. Leaving their laundry in the river, they fled screaming toward the ranch house.

Two Welder ranch hands and a Confederate captain named Turner unwrapped the body of the missing Savage. He had been killed by a single blow to the head with an ax or other heavy-bladed instrument.

Again, Chipeta and Juan Silvera were questioned. Chipeta swore vehemently that she knew nothing of the crime, and no ax or similar weapon was located. Silvera made a like denial, claiming that he had been looking for work in Copano Bay at the time of the horse-trader's alleged visit. But while Chipeta was being questioned, her dark eyes kept darting toward a certain spot on the river. Here, hidden in an eddy of the lazy-flowing stream, a short distance from where the body had been discovered, the investigators found the murdered man's saddlebags, containing the $600. Mother and son were arrested and jailed at San Patricio.

THE JAIL was a crude affair attached to the back of the courthouse, with no bars on the narrow windows. Prisoners were kept chained in their cells. The chain fastened to Chipeta's ankle was long enough to allow her to reach the pile of blankets in the corner where she slept. During the day she crouched on a dry-goods box and stared from the window at the curi-

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ous townsfolk who came to offer her tobacco and cookies—and sympathy. She nodded her thanks, saying nothing.

Nor did she or Silvera say a word, except to plead innocent, at their arraignment before Justice of the Peace Owen Gaffney, who bound them over for the grand jury. They kept silent even after the grand jury indicted them on October 7 for murder in the first degree and murder in the second degree, respectively. It was because, many thought, Chipeta believed her son guilty, and that Juan refused to affirm or deny the crime to protect his mother.

Though not mentioned in public, the consensus of the townsfolk in the privacy of their homes was that Chipeta was getting a "raw deal." This is apparent from the partial minutes of the district court trial salvaged from the fire that destroyed the courthouse and early county records near the end of the Civil War, and from interviews with descendants of those who witnessed the proceedings that appeared from time to time in the Corpus Christi *Caller*, after this weekly newspaper was established in 1883.

THE TRIAL, presided over by Judge Benjamin F. Neal of the Fourteenth Judicial District, was by today's standards highly irregular, to say the least. Sheriff Means, who arrested Chipeta and Silvera, was foreman of the indicting grand jury; Justice of the Peace Gaffney was foreman of the trial jury; and four of the jurors who sat in judgment of Chipeta and Silvera had been charged with felonies ranging from stock thievery to murder. However, the charges against them had been dismissed by District Attorney J.S. Givens due to the "unsettled days of the Civil War"—the tide was turning against the South, and men were "needed" for the war effort.

Chipeta and Silvera were tried jointly October 8 and 9. Spectators jammed the courtroom, windows, and doorway. One of the slave women, Lucy, described the discovery of the body in "spectral tones." The ranch hands and Captain Turner told of their "gruesome ordeal"—examining the corpse—and how cleanly an ax or similar weapon had cut into the victim's skull. District Attorney Givens dramatically dumped the gold coins from the saddlebags onto the witness table, berated the defendants as "unsavory characters about whom the people knew very little," and propounded the "reputation" of the inn they operated. The defense counsel argued that finding the saddlebags with the money intact was sufficient evidence to show that Chipeta had not murdered the trader—at least disproved the motive of robbery. This was ignored by the jury, when Silvera, pale and trembling, suddenly stated that his only part in the crime was carrying the body to the river. Chipeta's only defense was two words: "Not guilty."

The jury found her "guilty as charged," Silvera as her accomplice. He was sentenced to five years in prison. It was recommended that Chipeta be shown mercy due to her age and the fact that the evidence against her was largely circumstantial.

Judge Neal saw it differently. Bad war news. Too much crime. Smuggling to the Mexican border. There was much dissatisfaction with the county government, and tempers were short. On October 10, he announced:

> ...ordered, judged and decreed by the court that the said Chipeta Rodriguez be taken to the jail of San Patricio, or to some other secure place and there closely and securely confined until Friday, the 13th day of November, AD, eighteen hundred and sixty three, when she will be taken to the place of execution and then between the hour of eleven o'clock and sunset of said day she shall be executed according to the law, by hanging by the neck until she be dead....

THE DEATH SENTENCE intensified the feeling that Chipeta had gotten a bum rap. The women in town unanimously bewailed her pending fate. A few of them were allowed to bring changes of clothing, bathe her, and occasionally wash her hair. But Chipeta remained

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silent about the crime for which she had been convicted. As the days passed, a pall of dread uneasiness and superstition settled over the Irish community.

Some of the men, mostly older citizens, tried to persuade Sheriff Means not to carry out the fatal act. Means vigorously explained that he was bound by the edict of the court. But on the eve of the event, he was conveniently called from San Patricio on "some official business," leaving the matter in the hands of his deputy, John Gilpin.

THE PLACE CHOSEN for the execution was a big mesquite tree on the bank of the Neuces River, some 300 yards from the courthouse. Gilpin's problem was how to transport a shackled prisoner and her coffin to the gallows tree. Three times he tried to borrow a wagon, and was refused. In the last instance, a woman brandished a big stick and told him that if the sheriff wanted her wagon he would have to obtain a court order and come get it himself. Of course, Means' whereabouts was unknown.

At 11 o'clock Friday morning, November 13, San Patricio citizens began gathering in little groups about the courthouse square. The sun had risen brightly that morning, and those in favor of the hanging said it was a "fitting day." Those who disapproved predicted that "nothing good" would come of carrying out the court's edict.

As the day passed, the crowd milled about and watched the sun turn into a subdued red globe in a hazy sky. By mid-afternoon, it was blotted out by a billowing mass of clouds rolling in from the Gulf. It was late afternoon before Gilpin managed to obtain a rickety, wooden-wheeled cart and team of oxen from a man who lived about a mile east of town. Glancing up at the thickening sky, someone remarked: "If he can't see the sun, he won't know when it's sundown, and maybe he'll let Chipeta go."

Such hope was quickly dashed, however. Gilpin brought out a crude coffin, constructed of cypress planks the day previous, and placed it on the bed of the cart. Then he led the shackled prisoner from the gloom of the jail. As Chipeta faced the spectators momentarily, many dropped their eyes and turned away.

Chipeta climbed on the cart, disdainfully refusing the hangman's helping hand, and took her place atop the coffin, where she sat upright, smoking a corn husk cigarette and staring vacantly ahead. Gilpin started the oxen. The vehicle creaked eerily and jolted off on the long mile toward the Nueces. Almost the entire population of San Patricio followed, except the children, who were ordered to stay at home.

Gilpin stopped the cart in a slight depression under the mesquite tree. The crowd of followers stopped a short distance to the rear, and waited.

No one offered to assist the hangman in his grisly task. He ordered the condemned woman to place her hands at her back, which she did without hesitation. After binding her wrists with a small rope, he tossed a new hemp rope over a strong limb of the tree and adjusted the noose about the woman's thin neck. He removed a bandanna from his pocket to tie over Chipeta's face, but she turned her head away in protest. The cool manner in which she faced her ordeal shamed those who watched.

Gilpin stepped to the ground, looped the rope dangling from the limb around the trunk of the mesquite, and took up the slack. Finally, he spoke to the oxen. The cart rumbled forward, Chipeta's shackled feet slipped off the rear, and her body dangled in space.

A woman in the crowd cried, "No, no!" Another fainted, and a third bolted toward town, sobbing. Others closed their eyes to the ghastliness of strangulation.

Within a few moments, Gilpin announced that the woman was dead. He took the body down and placed it in the cypress box. He asked some of the men to help dig a grave under the tree, but everyone drifted away toward their homes. Gilpin dug the grave himself. The burial finished, he climbed aboard the cart and guided the oxen back to town.

The execution of a woman whom many believed innocent, death without a wake, and an unmarked grave outside a cemetery were considered the most unholy things that had happened to the Irish settlement. As one elderly Irishman muttered, "Lord, and 'tis a black day for San Patricio."

Perhaps his prediction was right. During the storm that swept in from the Gulf afterwards, lightning struck the mesquite tree on which Chipeta Rodriguez was hanged. A week later, it was chopped down and used for firewood.

DOWN THE YEARS, many people claimed that Chipeta returned to haunt them, to have seen her ghost wandering along the Nueces where the old tree stood; that after Juan Silvera returned from prison, he suffered such guilt from his false testimony against his mother that he went insane; that about twenty-five years after the hanging, an old man on his deathbed confessed that he had murdered John Savage and threw his body in the Aransas, not for his gold, but because the horse-trader had cheated him in a business deal.

So much for legends.

As a fact, the prosperity of San Patricio began to decline. Its population of 400 in 1890, was reduced severely with the removal of the county seat to Sinton in 1893. The post office was discontinued in 1920, and the place became little more than a ghost town. The James McGloin home built in 1855 and still standing one mile southeast of San Patricio, and a monument erected during the Texas Centennial of Statehood, celebrated in 1945-46, commemorates the early history of the site.

And that is the story of how Texas executed three women—before, during, and since the Civil War.

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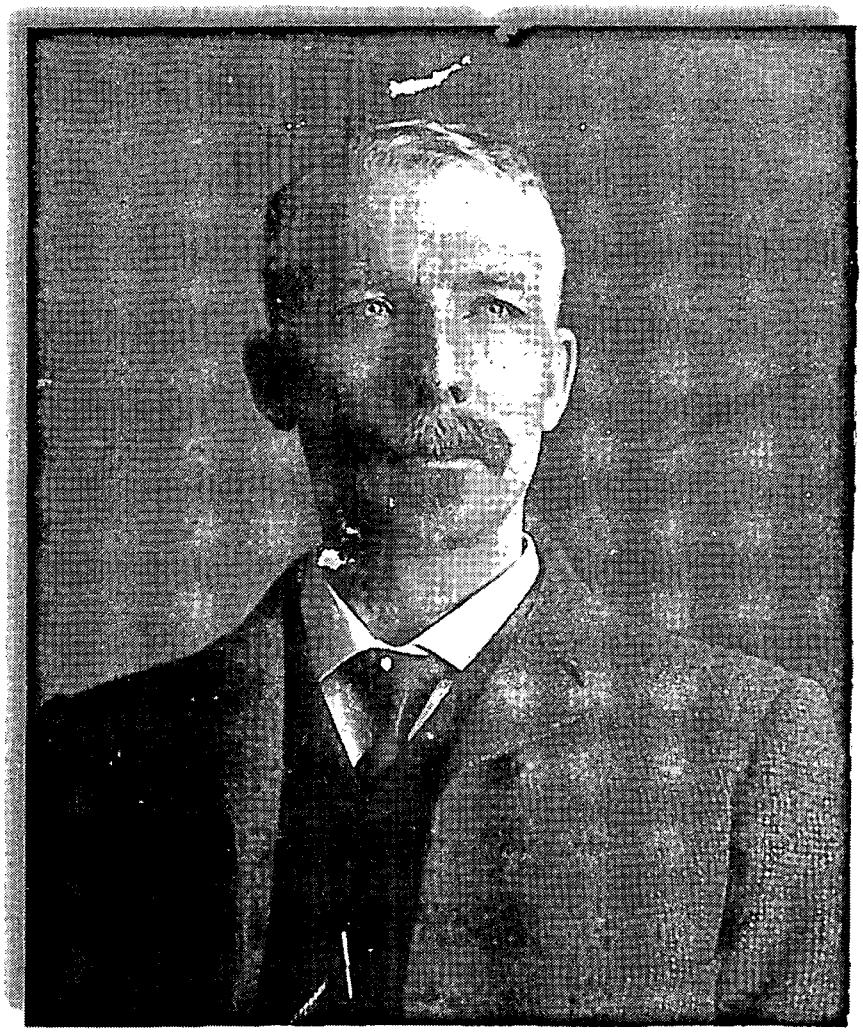
D.C. Nowlin: Pioneer Conservationist



State of Wyoming, Cultural Resources Division

Dan C. Nowlin, former Texas Ranger, Lincoln County New Mexico sheriff, and Wyoming conservationist.

When the deserts and plains of the West had been settled, railroads and barbed wire had ended the era of cattle drives, and Indian fights were a thing of the past, a new breed of pioneer was needed to carry the Old West itself into the unknown frontier of the twentieth century. They were men and women with the wisdom to see what had made the West great and the foresight to realize the changes necessary to preserve that greatness. Environmentalist D.C. Nowlin was one of those new pioneers.

Daniel Crispin Nowlin was born in 1856 in newly-organized Kerr County, Texas. His father, James Nowlin, was a surgeon, horse breeder, and Texas Ranger, who had come west from Tennessee via Missouri and Kansas. When Dan was two years old, the family relocated to Kendall County, where James constructed a stone house on Curris Creek.

If the move was an attempt to lessen the threat of Indian raids, it was a vain effort. Nowlin's child-

By David King

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hood was punctuated by periodic forays of Comanches, intent on pilfering horses from local settlers. In October 1868, Indians swept through the region in a widespread campaign that would be recalled years later by area residents.

Early one morning, the raiders descended on the Nowlin place. While the doctor and two hired hands fought off the attack, the job of spreading the alarm to outlying ranches fell to twelve-year-old Dan. One Indian was killed in the Nowlin corral, while Dan managed to run the gauntlet safely, limiting losses to the settlers.

In September of 1875, nineteen-year-old Dan Nowlin followed his father into Texas Ranger service, enlisting as a private in Ira Long's Company A. He was just in time to take part in one of the West's most famous conflicts.

For years, a feud had been fermenting in Mason County between German immigrants who had supported the Union during the Civil War, and the southern-sympathizing Anglos of the area. When an Anglo rancher was murdered by a group of Germans, the fuse was touched off. Several murders followed and the community split into two factions, the county sheriff siding with the Germans, and the local justice of the peace with the Anglo faction.

When the Rangers were called upon to quell the disturbances, Long's command was chosen for its lack of familiarity with Mason County's inhabitants and factions. The Rangers, Dan Nowlin among them, rode into this powder keg with the assignment of reestablishing order. They were quickly successful, making a number of arrests and leaving the area a month later with no further loss of life, though it was felt necessary to send a guard of Rangers to preside over that November's elections.

Nowlin continued his service through the end of 1877, after which he dabbled in journalism for a time, acting as editor of the first newspaper in Center Point, Texas. How long he held this position is unknown, but it is apparent that during the 1880s, Nowlin's interests turned toward raising livestock. The family had continued to breed blooded horses as well as cattle. After trail drives to Nebraska and Wyoming, Dan made his way farther west, to Lincoln County, New Mexico, where he settled about 1885.

At that time, Lincoln County comprised nearly a quarter of New Mexico, an area large enough to hold as many as six modern states combined. It was a region made famous by warfare and lawlessness. In November of 1888, Dan Nowlin was elected its sheriff.

His term in office was carried out with mixed success. As the county's first Republican sheriff, he was undoubtedly targeted for attack by newspaper editors whose political slant favored the opposition. He was defended, in turn, by portions of the populace. One supporter boldly declared that none of his immediate predecessors, Pat Garrett, William Brent, or John W. Poe, had "filled the office better than Dan Nowlin."

The conclusion of the Lincoln County War and the death of Billy the Kid had hardly ended the violence that plagued the citizenry, a fact Nowlin discovered when he attempted to arrest a Pecos cowboy on a decade-old murder charge. James Highsaw was still wanted in New Mexico for the killing of Dick Smith in 1877. When Nowlin heard Highsaw was working on a roundup near Roswell, he rode out to attempt an arrest. When Highsaw came in from the range, a foreman introduced the two men. According to one source, things got ugly when the lawman informed Highsaw he would have to ask for the outlaw's gun.

"You're a damned fool if you think you're going to get it," Highsaw retorted. The two grabbed their weapons and opened fire, Highsaw from atop his horse, Nowlin taking cover behind a wagon. When cowboys on the surrounding hills provided Highsaw with supporting fire, Nowlin was forced to retreat to Roswell in search of assistance. A posse was quickly assembled, but failed to apprehend the fugitive, who sent Nowlin a taunting letter before leaving New Mexico.

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The sheriff apparently took this episode personally, and asked Governor L. Bradford Prince to offer a reward for Highsaw, based on this assault rather than the original murder charge. There is no evidence of the outlaw's apprehension, though he was reported to have gone to Lynn County, Texas.

Nowlin left New Mexico soon after his term in office ended in January 1891, a fact which lent credence to charges of embezzlement that surfaced later. According to a Roswell newspaper, the sheriff had made use of his dual role as tax collector to surreptitiously line his pockets. Lincoln County, the paper said, had written off many old tax debts as uncollectible. Nowlin, however, was able to collect a number of these, and helped himself to the unreported proceeds.

The situation came to light when Eddy and Chaves counties were created out of eastern portions of Lincoln County. While Lincoln had forgotten the outstanding debts, they remained on the books, and many came under the jurisdiction of the new counties. Allegedly, when officers tried to collect, they were shown receipts of payment that had been signed by Nowlin.

Whether these charges were valid is open to question, since Nowlin continued to live a very public life with no apparent negative effect. He returned to his boyhood home in Texas for a time, then moved north, settling in Wyoming's Green River Valley where his sister and brother-in-law had established a ranch. Here Dan Nowlin found the cause that would become his legacy.

Once the most widespread of the deer family, elk had populated most of North America before the horse increased the hunting capacity of the Indians. European immigration drastically contributed to the herds' decline and confined the elk to the Yellowstone region. Harsh winters there led to the development of migratory patterns, the animals moving south each year to the Green River. But it was only a matter of time until settlement blocked this route, cutting off the herd and forcing the elk to winter in the Jackson Hole area.

Winters in Jackson Hole were far more severe than in the valley to the south, and the elk began to lose a war of attrition. Their numbers dwindled yearly, by the hundreds and even thousands in bad years. Matters were made worse by large-scale hunting. "Tuskers" saw huge profits in slaughtering the animals for their hides, meat, and especially, tusks. The latter could bring as much as $25 a set and were much sought after by fraternal organizations.

Nowlin, among others, realized the gravity of the situation and determined to do something to protect the elk as well as the rest of Wyoming's remarkable wildlife assets.

"When the last buffalo had been slaughtered, we made it a felony to kill one," Nowlin observed. "Shall we wait for the final disappearance of our elk, deer and antelope before we provide for their protection?"

His first step was to run for the state legislature, to which he was elected in 1898. During his service in Wyoming's Fifth Congress, Nowlin pushed the passing of game codes, requiring licenses to hunt elk and limiting hunters to two elk per year. As well as easing the losses to the herd, the game code brought in some $175,000 of non-resident spending during its first three years in effect.

Even with the new laws, though, poaching continued to threaten the herd's existence. The state's first game warden resigned in frustration after serving three years of a four-year term. Having completed his congressional service, Nowlin agreed to take over. He went on to serve two full terms of his own, and it was in this capacity that his greatest achievements were realized.

Continuing to push for legislation, Nowlin helped to revolutionize Wyoming's environmental policy. Proceeds from licenses and guide certificates were used more effectively, the Teton State Game Preserve was established, and tusk hunting was classified as a felony. However, no law could be passed to prevent winter blizzards.

The winter of 1908-1909 was especially bitter, and threatened to exterminate the Jackson Hole elk. Starvation drove the animals onto nearby ranches, where cattlemen were forced to fence off the hay reserved for livestock. Without swift action on its behalf, the elk herd would likely have fallen into non-existence.

In order to avoid this, national attention had to be focused on the problem to spur adequate political response. This was accomplished by Stephen Leek, a local settler who owned a camera. He photographed the elk in their pitiful condition, and the resulting publicity led to the Wyoming legislature's appropriation of $5,000 toward grain purchases. Assisted by his wife Laura, Dan Nowlin braved the icy Jackson Hole climate to undertake the regular feeding of the elk.

These efforts prevented the destruction of the herd and led to further grain provisions at both the state and federal levels, as well as the eventual establishment of the Jackson Hole National Elk Refuge. The refuge now receives thousands of visitors yearly, and supports a herd of some 7,000 elk.

After leaving the state game warden's office, Nowlin continued his efforts on behalf of conservation, serving for a time as manager of the refuge under authority of the United States Biological Survey. In 1925, after more than thirty years in Wyoming, he left for his home state of Texas, never to return.

Nowlin's eighty-eight-year-old mother had fallen ill, and he traveled the 1,200 miles south to visit her. She died in February, and her eldest son stayed with the family at Center Point after the funeral. It was there that Dan Nowlin apparently suffered an allergic reaction to a bee sting, and died on March 31, 1925. Nowlin was buried in the local cemetery, where more than twenty-five former Texas Rangers would eventually come to rest.

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True West Legends: Frank Canton

By R.K. DeArment

September 15, 1849—Josiah W. (Joe) Horner, later to achieve fame as "Frank Canton," is born to parents John W. and Mary Jane Clemmons Horner in Harrison Township, Henry County, Indiana. He is the fifth of nine children.

1862—The Horners are settled in Ozark, Missouri. Civil War rages and father John and eldest son John Wesley leave to fight for the Confederacy. Young Joe is left as the male head of the family.

1864—Fourteen-year-old Joe Horner runs off to the war, becoming an orderly for an uncle, a lieutenant in the Union Army at Springfield, Missouri.

1865—At war's end Joe Horner works as a teamster with wagon trains leaving Fort Leavenworth, Kansas, for western military posts. He reportedly gets into a fight with a wagonmaster and kills him with a blow from an oxen yoke.

Late 1866—Joe returns home and moves with his family to Denton County, Texas, where he becomes a cowboy and "minuteman" for rancher Christopher L. "Kit" Carter.

Summer 1868—Horner participates in a longhorn cattle drive to Abilene, Kansas.

July 1871—During the tense trials of Kiowa chieftains Big Tree and Satanta at Jacksboro, Texas, Horner is one of the militiamen assigned to maintain order.

May 7, 1874—Horner, now leader of a gang of saloon toughs, beats up a man named Ed Harris in a Jacksboro saloon fracas.

June 1874—A grand jury in Jacksboro indicts Horner on a charge of assault and two counts of cattle theft.

October 10, 1874—Horner fights three separate gun battles in one day. In the first he wounds Private George Smith, a black soldier from nearby Fort Richardson, in a Jacksboro saloon. Later, when troopers from the fort attempt to arrest him, he engages them in a street gunfight in which his horse is shot out from under him and an innocent bystander is killed. Still later, he and a friend named Frank Lake carry on a long-range rifle duel on the prairie with pursuing cavalrymen. Lake is hit and arrested, but Horner escapes.

September 13, 1875—Confederates of Horner break him out of the Jacksboro jail where he has been locked up to await trial on a multiplicity of assault and rustling charges.

January 10, 1876—Horner and two other outlaws hold up a bank at Comanche, Texas, and escape with $5,500.

February 2, 1876—Followed to San Antonio by Detective Henry Strong, a long-time enemy, Horner is arrested and jailed.

March 15, 1877—After more than a year in San Antonio's infamous "Bat Cave" lockup, Horner is tried, convicted, and sentenced to ten years at hard labor for the Comanche bank holdup.

April 1, 1877—Horner leads prisoners in a daring escape from the San Antonio jail.

April 17, 1877—Fleeing toward the Mexican border, Horner holds up a stagecoach and robs the passengers, but is soon captured after a gunbattle with Uvalde County minutemen.

April 23, 1877—Indicted, tried, and convicted of highway robbery, Horner receives another ten-year sentence.

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May 5, 1877—Horner enters Huntsville Penitentiary as inmate No. 5920.

August 4, 1879—Horner escapes from a convict work gang and disappears from Texas.

August 22, 1881—Thomas Sturgis, secretary of the Wyoming Stock Growers Association (WSGA), hires a cowboy calling himself "Frank Canton" as stock inspector. The man is Joe Horner, who has taken a new name and a new identity. The former desperado now pins on a badge, accepting appointment as deputy sheriff of Johnson County.

November 7, 1882—Canton is elected sheriff of Johnson County. He will serve four years and be acclaimed for his bravery and efficiency in the position.

January 21, 1885—Canton and Anna Wilkerson, daughter of a ranch foreman, are married at Big Horn, Wyoming.

October 1, 1885—Canton is appointed a deputy United States marshal, the first of many such appointments.

October 11, 1885—Sheriff Canton achieves celebrity with his bold capture of Teton Jackson, notorious leader of a gang of horse thieves.

March 5, 1886—Bill Booth, convicted murderer, is hanged in Buffalo by Sheriff Canton. His execution will be the only legal hanging ever held in Johnson County, Wyoming.

April 1, 1887—Having left the sheriff's office, Canton accepts appointment as chief of detectives for the WSGA, with responsibility for northern counties of the territory.

December 1, 1891—John A. Tisdale, a small rancher, is ambushed and murdered on the road outside Buffalo. Two days later the body of Orley E. "Ranger" Jones, another settler, is found a few miles away. Evidence suggests bushwacking by the same killer and Canton is suspected.

December 8-9, 1891—At a hearing before a justice of the peace Canton is cleared, but enemies of the WSGA and the big ranchers remain convinced he murdered Tisdale and Jones and threaten Canton's life. In another court they get an indictment charging him in the death of Tisdale. Canton, fearing he will be assassinated if jailed, hastily rides out of town.

Early April 1892—Wealthy Wyoming cattlemen dispatch an army of some fifty gunmen to eliminate the pestiferous "rustlers" of Johnson County. Canton is a leader. In a gunbattle the invaders kill Nate Champion and Nick Ray, two of the men on their "death list," but the countryside is alerted, the small ranchers mobilize, and the invaders are besieged at the TA ranch, where they are rescued by the United States cavalry.

January 21, 1893—Court cases against Canton and his fellow invaders for the killing of Champion and Ray are dropped.

April 3, 1893—The Johnson County treasury is exhausted in the legal battle to convict the invaders and county officials decline to prosecute Canton in the Tisdale murder case.

May 1894—Old pal Frank Lake, now a sheriff in a newly formed county of Oklahoma Territory, calls on Canton for help in controlling rampant outlawry. Canton moves to Pawnee and accepts appointment as under-sheriff and commission as deputy U.S. marshal for both Oklahoma and Indian territories.

Late June 1894—Canton makes a dramatic arrest of widely sought outlaw Ben Cravens.

July 17, 1894—A petition, signed "Joe Horner, alias F.M. Canton," is submitted to Texas Governor James S. Hogg. It requests a formal pardon for the offenses committed in Texas by Horner, based on an exemplary record as a peace officer in Wyoming by Horner's reincarnation, Frank Canton. Hogg grants the pardon.

October 27, 1894—Canton shoots Lon McCool, a Pawnee liveryman, who interferes in an arrest. The bul-

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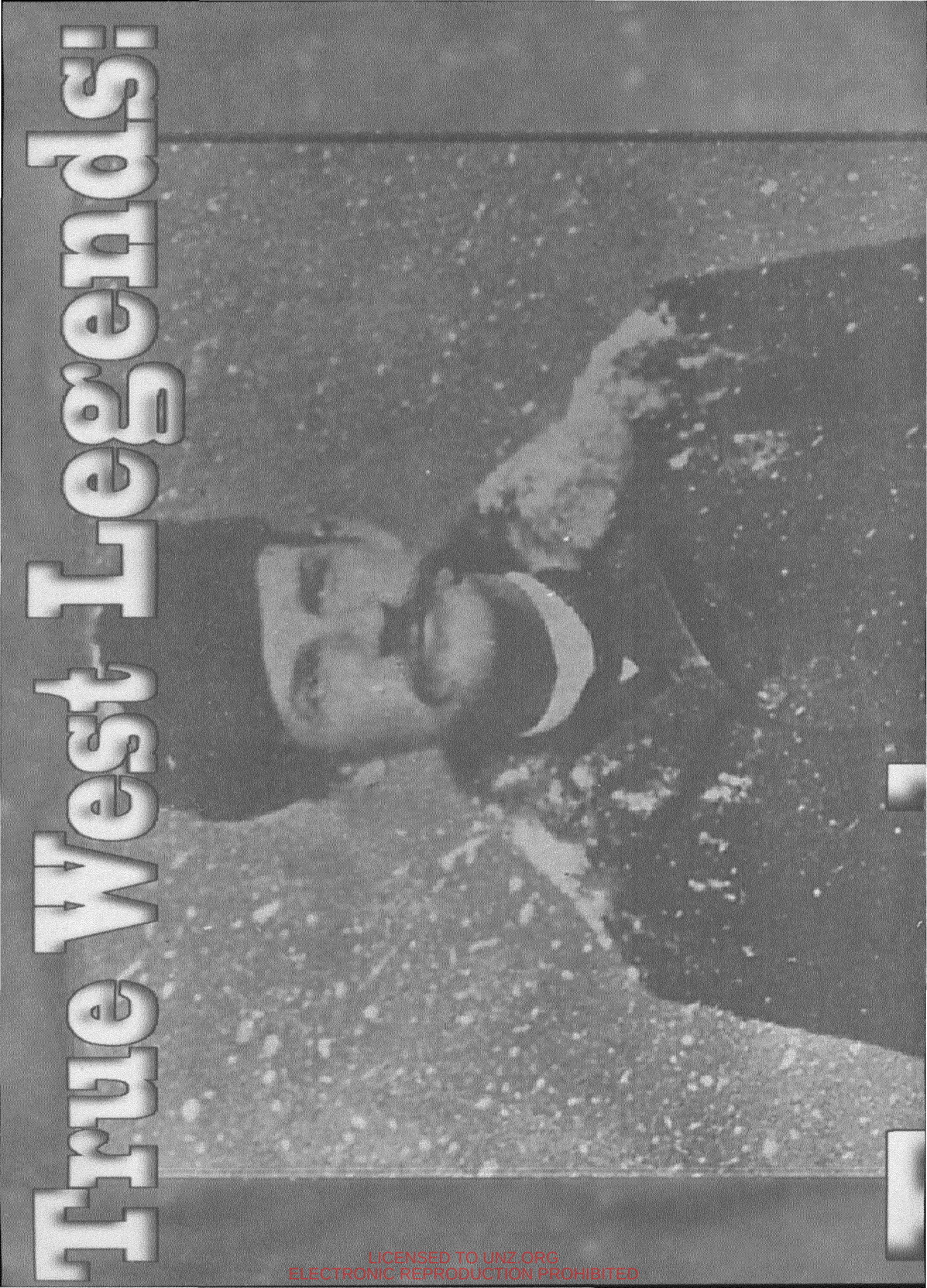

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let, fired from a derringer, strikes McCool in the face, but fails to kill him. Canton throws the derringer away in disgust.

February 3, 1895—Lake and Canton lead a posse after desperadoes Bill and John Shelley and capture them after a determined gunfight.

November 6, 1896—William T. "Bee" Dunn, leader of a family of brothers operating on both sides of the law, is a sworn enemy of Canton. The two meet on a Pawnee street. Canton outdraws Dunn and kills him with a single shot to the head. A grand jury quickly finds the killing justified and exonerates Canton.

July 30, 1897—Canton leaves Oklahoma for the gold fields of the Yukon, where he is to receive appointment as a deputy U.S. marshal and perhaps find his fortune.

September 1899—Having lost his deputy marshal appointment and finding no gold, Canton returns to Buffalo, Wyoming, and takes up the precarious work of a bounty hunter.

January 1901-October 1907—Canton is back in Oklahoma, working as a deputy sheriff in Pawnee and Comanche counties and later as a cattle inspector.

November 16, 1907—Oklahoma officially becomes a state and newly-elected Governor Charles Haskell appoints Frank Canton adjutant general, commanding the Oklahoma National Guard.

July 1, 1916—Canton retires as a major general after serving eight and a half years under three governors.

September 27, 1927—Canton, seventy-eight, dies of cancer at his daughter's home in Edmond, Oklahoma. His body, in general's dress uniform and flanked by National Guardsmen, is displayed in the capitol building before burial with full military honors in Oklahoma City's Fairlawn Cemetery on September 29.

WHAT TO READ:

Alias Frank Canton.
By Robert K. DeArment.
University of Oklahoma Press, 1996.
Frontier Trails: The Autobiography of Frank M. Canton.
By Frank M. Canton.
Houghton-Mifflin Co., 1930.

WHERE TO GO:

Buffalo, Wyoming, was the focal point of the Johnson County War and where Canton served as sheriff.
The Gatchell Museum in Buffalo has a remarkable collection of photos, documents, and artifacts from that turbulent period. The site of John A. Tisdale's murder, identified by a state marker, is a few miles away.
The TA Ranch, where the Johnson County Invaders were besieged by embattled settlers, is currently owned by Earl and Barbara Madsen. Cattle are still raised, but the ranch buildings, some retaining bullet scars from the conflict more than a century ago, are utilized as quarters for paying guests. For more information on this unique facility, contact TA Guest Ranch, P.O. Box 313, Buffalo, WY 82834.

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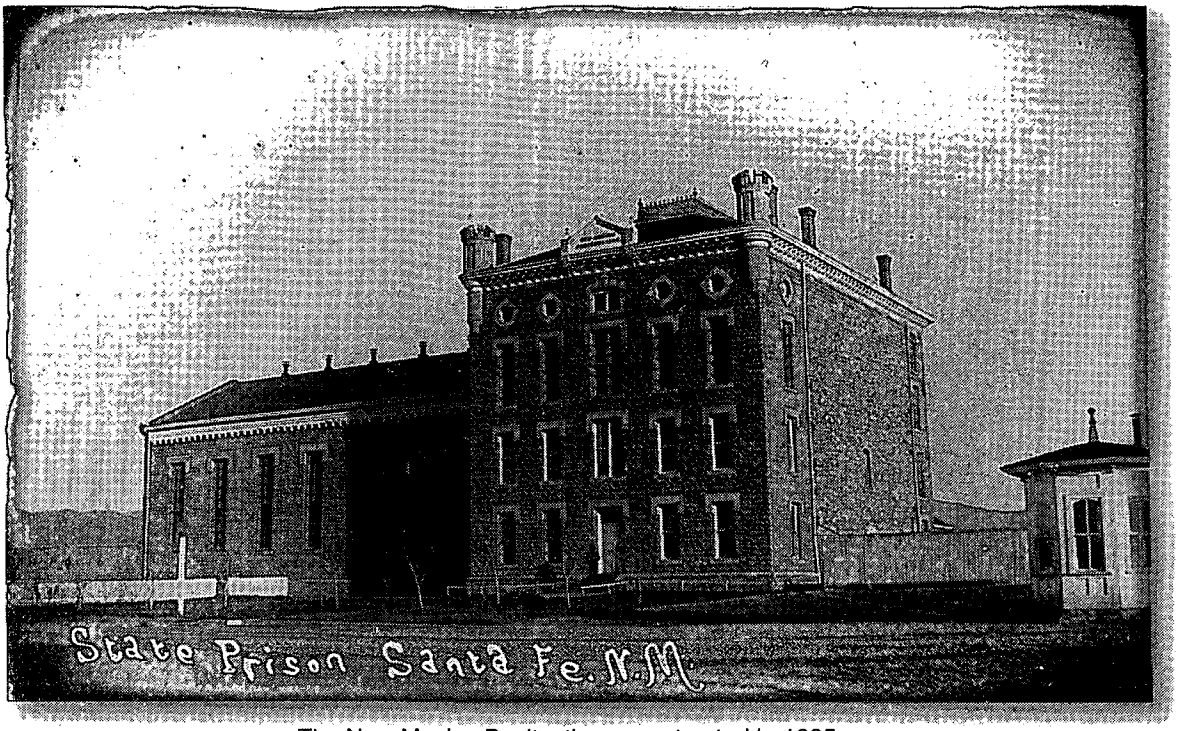
Territorial New Mexico's First New Public Building: The Old Penitentiary



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The New Mexico Penitentiary, constructed in 1885.

By Robert J. Torrez

Life may have been simpler in the "good old days," but even back then, our ancestors had many of the same concerns the public does today. Among the issues argued for were safe streets and the expectation that society's more dangerous citizens be locked up. These issues, just as they do today, frequently sparked spirited public debate about the need for improved and expanded prison facilities.

Soon after General Stephen Watts Kearny and his Army of the West took possession of New Mexico for the United States in August 1846, it became apparent that Santa Fe was the only place in the entire territory which had a building worthy of being called a jail. The facility was no more than two or three rooms within the complex of buildings we now know as the Palace of the Governors.

This lack of jails was not brought about because preceding governments had no interest in law and order. It was, rather, because New Mexico required very few jails during the Spanish and Mexican periods of its history. Long prison terms were considered an absurd expense by these governments, and their judicial systems instead emphasized fines, exile, and imposition of labor at public works.

Shortly after General Kearny arrived in New Mexico, he instituted a new set of laws for the territory. The new laws, commonly known as the Kearny Code, established judicial districts where court was to be held on a regularly scheduled basis. These courts administered a judicial system that was foreign to most New Mexicans. The new system of jury trials and statutory punishments emphasized jail terms to a greater degree than the Spanish and Mexican laws it replaced. Consequently, law enforcement officials in New Mexico often found themselves poorly prepared to handle the larger convict population.

The strain placed on the limited resources of nascent county governments was evident early in New Mexico's territorial history. In March 1852, for example, Santa Fe County Sheriff R.M. Stevens and several county officials reported to Governor James S. Calhoun that the county "was without means" to feed the fourteen prisoners being held in the local jail. Governor Calhoun's response noted that the territorial government had no resources with which to help out. Concerned that

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"the poor wretches" being held would not "die and rot in jail," Calhoun addressed the problem by issuing pardons and an order to release all the prisoners, including one individual who was under indictment for murder. The only condition of the pardon was that they leave the territory within twenty-five days and not return for a period of one year.

The few jails that did exist in early territorial New Mexico generally proved inadequate. Most buildings utilized for this purpose were constructed of adobe, poorly maintained, and by most accounts, easily and frequently breached by determined inmates. One night in March 1853, every inmate in the Santa Fe jail reportedly escaped. Considering the problems the county had in feeding the prisoners, local officials apparently mumbled something about "good riddance," and did little to pursue the escapees.

Santa Fe was not the only local government with such problems. An 1853 Doña Ana County grand jury declared their southern New Mexico jail "totally unfit" to hold prisoners, noting the door was constructed of flimsy pine boards which could easily be broken or removed. Further north, one observer sarcastically remarked that the door of the Taos County jail at Don Fernando was "securely fastened" with a piece of twine.

To compensate for these poor facilities, jailers relied heavily on the use of chains and shackles to deter escapes. This suited local blacksmiths just fine. Every time a prisoner was chained, a blacksmith was utilized to rivet the shackles closed. At fees which ranged from $1.00 to $2.50, blacksmiths were probably even more delighted when they had to be called in to later remove the shackles.

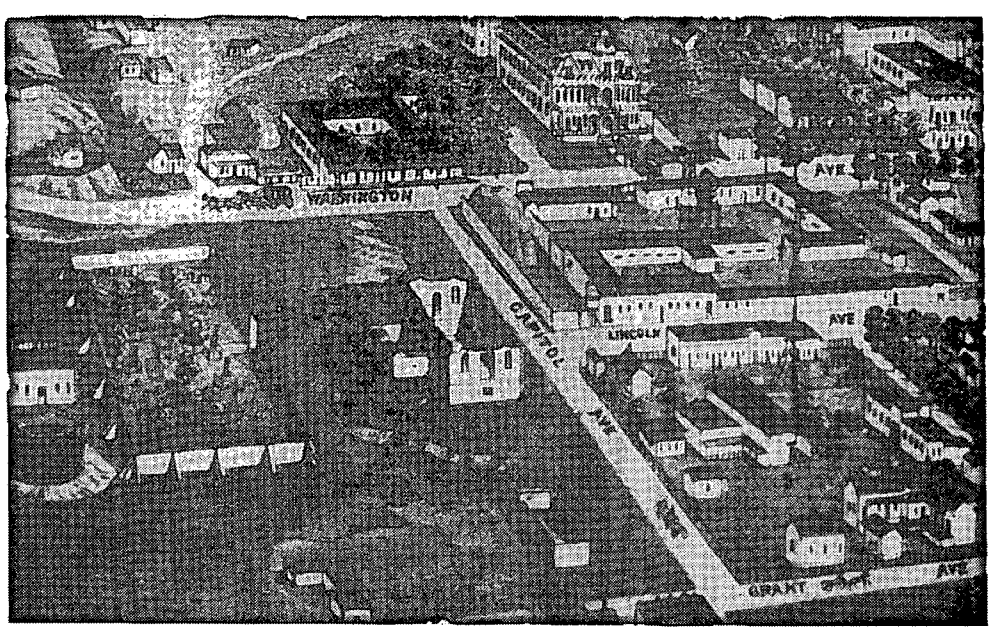
It was under these circumstances that territorial officials begged the federal government in Washington for funds to construct a territorial penitentiary in Santa Fe, and in 1853, the United States Congress responded by appropriating $20,000 for this purpose. Construction of the new territorial penitentiary began in early 1855 on a site north of Santa Fe's historic plaza, where the United States Post Office is now located on South Federal Loop. As work on the new prison began, territorial lawmakers enacted regulations for the "government of the territorial prison," and Jesús Maria de Baca y Sena was appointed the first *Alcalde de la prisión territorial,* or warden of the territorial prison.

The law required county sheriffs to transfer to Santa Fe, all persons convicted and sentenced by the district courts to terms of more than six months. Aware that it would be a while before the new building could be ready to receive prisoners, the lawmakers also arranged for the convicts sent to Santa Fe to be kept in the Santa Fe County jail until such time as the territorial penitentiary was completed. For the next three years, Baca y Sena oversaw a territorial prison which existed only on paper, and which was, in reality, the Santa Fe County jail with a new name.

By early 1857, the $20,000 appropriation for the new prison was exhausted and work on the building stopped. A report submitted to Governor Abraham Rencher later that year explained that only the foundation for the prison's outer wall, a basement, and the walls of the main building's first floor had been completed. The unfinished building, which was constructed of quarried stone, consisted of a main floor which contained sixteen cells and adjoining offices. On top of this, comprising a second story, was an unroofed timber framework for what was designated as a "common eating room."

The building, along with another stone building which was under construction less than a hundred yards to the east, remained incomplete for more than thirty years. This other structure was originally intended to be New Mexico's new territorial capitol, but when it was finally completed in 1889, it instead became what is now the front portion of the United States Federal Court-House.

The unfinished territorial penitentiary building, however, fared poorly. After work on the building stopped in 1857, it slowly fell into ruins, a victim of exposure to the elements, vandalism, and pilfering of materials by anyone with the audacity to take what they needed. In 1858, when it became apparent the



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This detail from an 1882 "birds eye view" of Santa Fe shows the still incomplete "new capitol" (center) and the roofless 1855 penitentiary building (lower center). The prison was never completed.

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new penitentiary was not to be, the legislature repealed the 1855 prison law and ordered all prisoners being held in Santa Fe returned to the county where they had been convicted.

Unfortunately, many of New Mexico's counties did not have jails. Not until 1863 were counties actually required to build and maintain jails for their own prisoners, and even then, most of these continued to prove inadequate. In 1866, Acting Governor William F. Arny's message to the territorial legislature pointed out that a number of counties had not complied with the new law. Many law enforcement officers, he noted, did not have "the means furnished them by the county to secure and safely keep offenders." Consequently, jail populations remained small during the two decades following the failed attempt to build a territorial prison. The 1870 census, for example, shows that four of New Mexico's largest counties, Santa Fe, San Miguel, Valencia, and Doña Ana, held a total of twenty-four inmates.

While persons sentenced to prison terms by the territorial courts roamed free or languished in county jails, the United States district court in Santa Fe sent persons convicted of federal crimes to the Missouri State Prison in Jefferson City. In his 1878 message to the territorial legislature, Governor Samuel Axtell reminded the lawmakers that New Mexico's county jails were "filthy, unsecured and a disgrace to modern civilization," and suggested they take action to alleviate the problem. In response, the legislature authorized New Mexico's attorney general to investigate the possibility of contracting with neighboring states to house territorial prisoners.

In July 1879, New Mexico entered into a contract with the state of Nebraska for this purpose and the following month, six inmates from Santa Fe and three from San Miguel County were transported to the Nebraska State Penitentiary. However, it appears that no more than two dozen New

NMSRCA, Santa Fe

The incomplete Penitentiary of New Mexico, 1867.

Mexico inmates were taken to Nebraska under this agreement, partially because in February 1882, New Mexico also contracted with the Kansas State Prison in Lansing for the same purpose. The contract with Kansas stipulated that New Mexico pay twenty cents a day per prisoner, plus expenses of $20.00 for clothing and $5.00 cash whenever a convict was released. The earlier contract with Nebraska was for sixty cents a day, making the agreement with Kansas more cost effective. John Williams and Juan Lucero were the last New Mexicans remaining at the Nebraska facility when Governor Lionel Sheldon pardoned both men and ordered their release on February 16, 1885.

The necessity of sending convicted prisoners outside the territory finally ended in 1885. In March 1884, the territorial legislature appropriated $150,000 to build and equip a penitentiary for New Mexico. The law created a board of penitentiary managers, which consisted of Governor Lionel Sheldon, Treasurer Antonio Ortiz y Salazar, and Attorney General William Breeden, and authorized them to supervise the construction and management of the prison.

The board held its first meeting in early April 1884. One of their first actions was to accept a proposal submitted by Robert D. Silver for construction of the penitentiary. Silver's plans were sent to G.P. Randall, a prominent architect from Chicago, for his review and approval. On April 22, Randall reported to Governor Sheldon that he had reviewed the plans, and except for a few minor modifications, felt they included "substantially everything necessary" for a practical and functional prison building.

Silver's original plans, which unfortunately have been lost, called for three buildings of quarried stone. The main structure was the cell house which consisted of a huge hall lined with four tiers of cells. Each of the 108 cells was essentially a square with a floor measuring seven by seven and a half feet with a seven-foot ceiling. Each cell was designed to hold two inmates on stacked bunks.

Ground was broken for the new building by early July 1884 on a ten-acre site nearly a mile south of Santa Fe, near where St. Francis and Cordova roads now intersect. Within six months, construction had proceeded to a point which warranted the appointment of James E. Gregg as the first warden of the new penitentiary. The Territory of New Mexico was finally nearing the conclusion of a thirty-year struggle to obtain its own prison.

Every step of construction was eagerly anticipated and reported by

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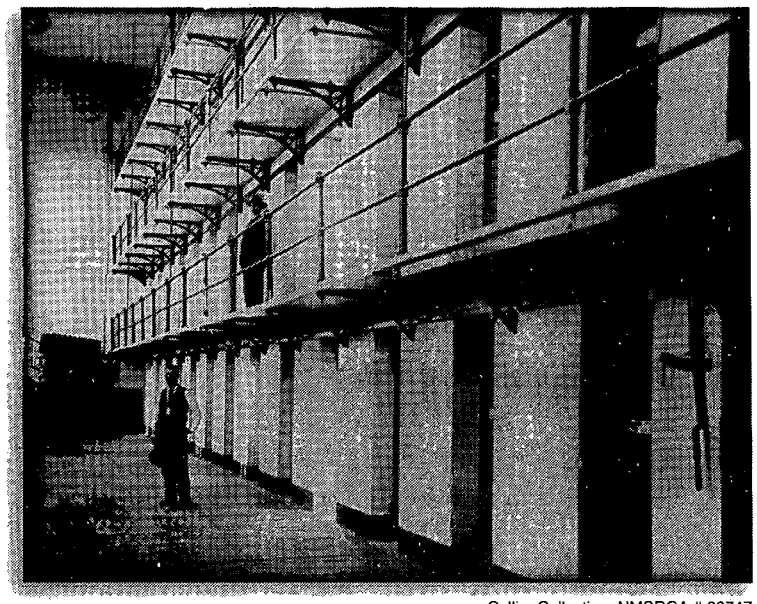
the press. The May 23, 1885, issue of the *Santa Fe Weekly Leader* expressed a sense of awe at the scale of the project which was to provide New Mexico with its "first public building." The structure, the paper noted, was one "of which the territory will ever be proud." The reporter was especially impressed by the derrick which handled the huge quarried stone with the ease of "a stove lid."



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Four-tiered cell block of the old New Mexico Territorial Penitentiary, circa 1900.

The evening of August 6, 1885, Warden Gregg hosted a "gala house warming" at the nearly completed penitentiary. The guest list reads like a "who's who" of New Mexico society. The *Santa Fe Daily New Mexican* reported that more than a hundred carriages and wagons of all types and sizes "charged about the streets of the ancient capital city" bringing guests to view the new building.

The festivities began officially with a grand march led by Territorial Physician J.H. Sloan and Miss Rose Keller of Las Vegas. Music was provided by the Thirteenth United States Infantry band from Fort Marcy, strategically positioned on an elevated platform at one end of a large room which was to be the prison chapel. As ladies in brightly colored dresses danced with gentlemen in formal attire among a vast arrangement of flowers, it created what one observer described as an enchanting, "ever changing variety of kaleidoscope views."

At midnight, dancing was halted for dinner on formally set tables. The menu is not on record, but the meal reportedly consisted of a variety of "edibles and drinkables," served in "the most approved manner" by a cadre of waiters in white aprons. After dinner, dancing resumed in the chapel, and at two in the morning, when the newspaper reporter left to file his story, the party was still in progress.

A few days after the "house warming," the Board of Penitentiary Managers convened to inspect and approve the completed building. On August 17, 1885, the contractor turned the keys to the building and cells over to Warden Gregg, who immediately began preparations to accept the new penitentiary's first shipment of territorial prisoners.

On August 21, 1885, recently-appointed Governor Edmund G. Ross issued a proclamation which officially opened the New Mexico Territorial Penitentiary. The proclamation indicated that persons convicted of a crime in New Mexico District Court and sentenced to hard labor, were therefore to be sent to Santa Fe to serve their term of imprisonment. The building, however, had already been occupied with forty-six convicts the previous day, some of whom had been held for several months at a "temporary guardhouse" in Santa Fe, and who had supplied a significant amount of the labor for constructing the prison. Six months later, in February 1886, Governor Ross authorized the Kansas State Prison to release the last twenty-four New Mexico inmates being held there, and had them transferred to the new penitentiary.

The early years of the territorial penitentiary were characterized by numerous growing pains. On October 9, 1885, less than two months after the prison opened, more than two dozen convicts on a work detail outside the main gate, attempted a mass escape. Quick and severe action by the guards, which included the wounding of several convicts as they scattered, prevented all but one from actually escaping. The solitary escapee was captured shortly afterwards by pursuing guards. Four men considered the ring leaders were punished by having to wear shackles for nearly three months. The following month, a despondent inmate, facing life imprisonment for murder, committed suicide by throwing himself from the fourth tier of cells.

The prison also often became a battle ground for the forces which vied for power during this period of New Mexico's history. Warden James E. Gregg and his successor, Thomas P. Gable, were both early political casualties, as penitentiary administration often found itself on the losing end of an ongoing struggle with the territorial legislature.

Despite its early problems, New Mexico's "first public building," stood for nearly eighty years. Its main building and adjacent cell block remained a central part of many subsequent expansions and additions until 1956, when the new state penitentiary, made necessary by a growing prison population, was constructed several miles south of Santa Fe. Shortly afterwards, the venerable old territorial prison was demolished—a victim of the wrecking ball which clears a path for contemporary needs and urban expansion.

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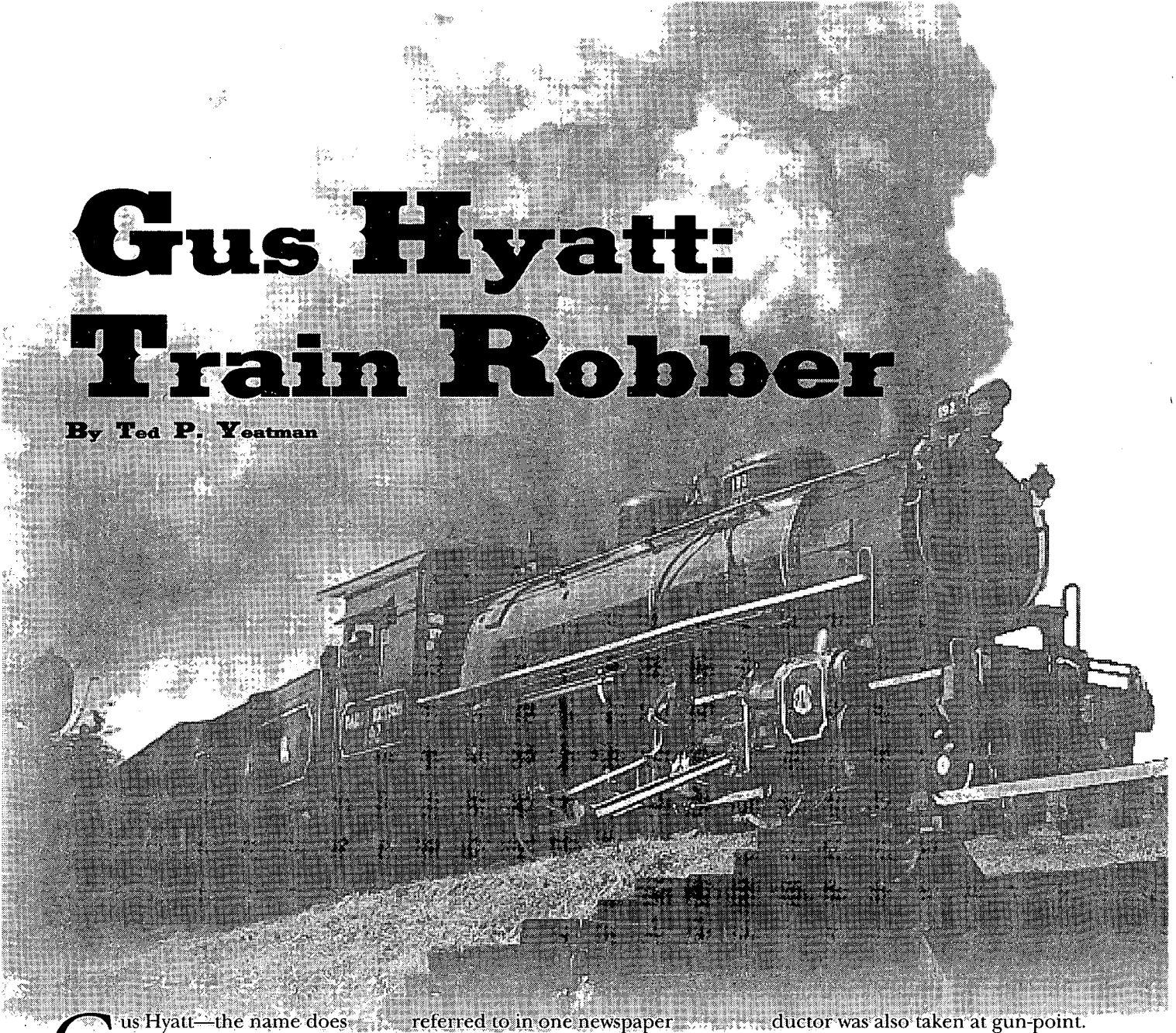
Gus Hyatt: Train Robber

By Ted P. Yeatman



Gus Hyatt—the name does not have the familiar ring to outlaw aficionados as the other famous, or not so famous, bandits of the "Iron Horse." Yet in his day, the late 1890s and early 1900s, Augustus Home "Gus" Hyatt, alias George Hall, would pull off at least one train robbery that the press claimed, "Jesse James would be proud of," and a prison break that would rival anything Hollywood could dream up.

Almost nothing is known of Hyatt's background before he entered the stick-up business. He was apparently a native of Cherokee County, North Carolina, born sometime in 1871, and worked at one time as a coal miner. Though referred to in one newspaper account as "a member of a western band of desperadoes" and "wanted in several places," his first crime of note was actually near Calera, Alabama, between Montgomery and Birmingham. In company with another man, thought to be Thomas N. Lowe, Hyatt boarded a train of the Louisville and Nashville Railroad around midnight on March 9, 1897, heavily armed and carrying a sack of dynamite.

The robbers sneaked on board at the tank, about a mile north of Calera, climbed over the tender and ordered engineer Sam Orr to run his train two miles up the track and stop. Orr was taken by the men to the express car and where the conductor was also taken at gun-point. The bandits earlier tried to have the express car uncoupled from the passenger coaches, and hauled away by the engine, so the safe could be blown without major injuries to those on board. The train robbers had thoughtfully brought along forty sticks of dynamite to open the large "burglar proof safe." One of the railroad men made it easier, though, and opened the door to the express car, where the Southern Express messenger was forced at gunpoint to open the safe and remove its contents, by varying accounts either $1,400 or $14,000. The robbers escaped on horseback and were later tracked to Pell City, where they supposedly took a train

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to Georgia. Over the next few months the men were reported in Georgia and Florida, but somewhere along the line they parted company. From here on Hyatt would operate solo.

At 9:30 PM on Tuesday, June 22, 1897, Louisville & Nashville train No. 102 pulled out of the station at Clarksville, Tennessee, headed north to Kentucky. Just prior to reaching St. Bethlehem, a knock was heard at the door to the baggage car, which was opened by baggage agent T.O. McCadden. Hyatt, wearing a blue suit, slouch hat, and black mask entered the car, and trained a pair of revolvers on McCadden, Southern Express agent L.C. Brannon, and two other men. McCadden at first thought it was one of the crew playing a joke, and threw a cup of water on the masked man, who commanded him in stern voice to stop his "damn foolishness." Brannon made an attempt to get a pistol on his desk but was stopped by the robber. The safe had been conveniently left open just prior to Hyatt's entry. Putting one of his guns in his pocket he ordered the men to the end of the car and proceeded to rifle the contents, by one account with the aid of Brannon. Several packages of bills were tossed in a sack. Hyatt asked about other parcels bearing seals. He was told they were only company papers and nothing of value. Hyatt had second thoughts; "this is a damn light haul" he remarked, jiggling the sack. He ordered Brannon to put the remaining parcels in the bag. Hyatt had to pull the bell cord to halt the train three times before the engine started to grind to a halt. The train was just approaching St. Bethlehem. Hyatt jumped off and headed away from the train, in the direction of Dunbar Cave.

A Mr. Booth, the express agent at St. Bethlehem was curious about the commotion around the train, as the crew searched about with lanterns. Had another hobo been hit? Brannon and another man ran towards Booth. They had been robbed and wanted to use the telephone to reach the chief of police at Clarksville. Neither the chief nor the sheriff would answer, and a message was left at the Arlington Hotel to send the lawmen up the tracks.

Author's Collection

The only known photos of Gus Hyatt, published in the August 10, 1902, edition of the Nashville *American*.

The train was switched off the main line as a southbound train was due. It then proceeded to Russellville, Kentucky, site of a bank foray attributed to the James-Younger gang thirty years earlier. It was here that word was telegraphed to the express and railroad companies.

A special train with a half dozen railroad detectives was organized at Bowling Green and headed towards Russellville, where bloodhounds joined the search party. The train continued to the scene of the crime, but rain had washed away the scent and the dogs were no use. Nevertheless, the detectives and other lawmen spent several days combing the area. It was learned that a week to ten days prior to the affair a man in a blue suit had been seen poking about Clarksville and the St. Bethlehem area. The description matched that of the train robber. Meanwhile, the press was touting the event: "Not even the bold robberies of the West furnish a holdup more daring than the one that occurred...." Detectives and railroad officials were tight-lipped about the amount stolen, and a reward of $300 was given for the man identified as Gus Hyatt by name only two days after the robbery.

Hyatt, by his own account, made his way on foot back to Princeton Junction. Taking the Princeton road to a bluff on the Big West Fork, Hyatt hid out for days before leaving about $1,000 in express and bank

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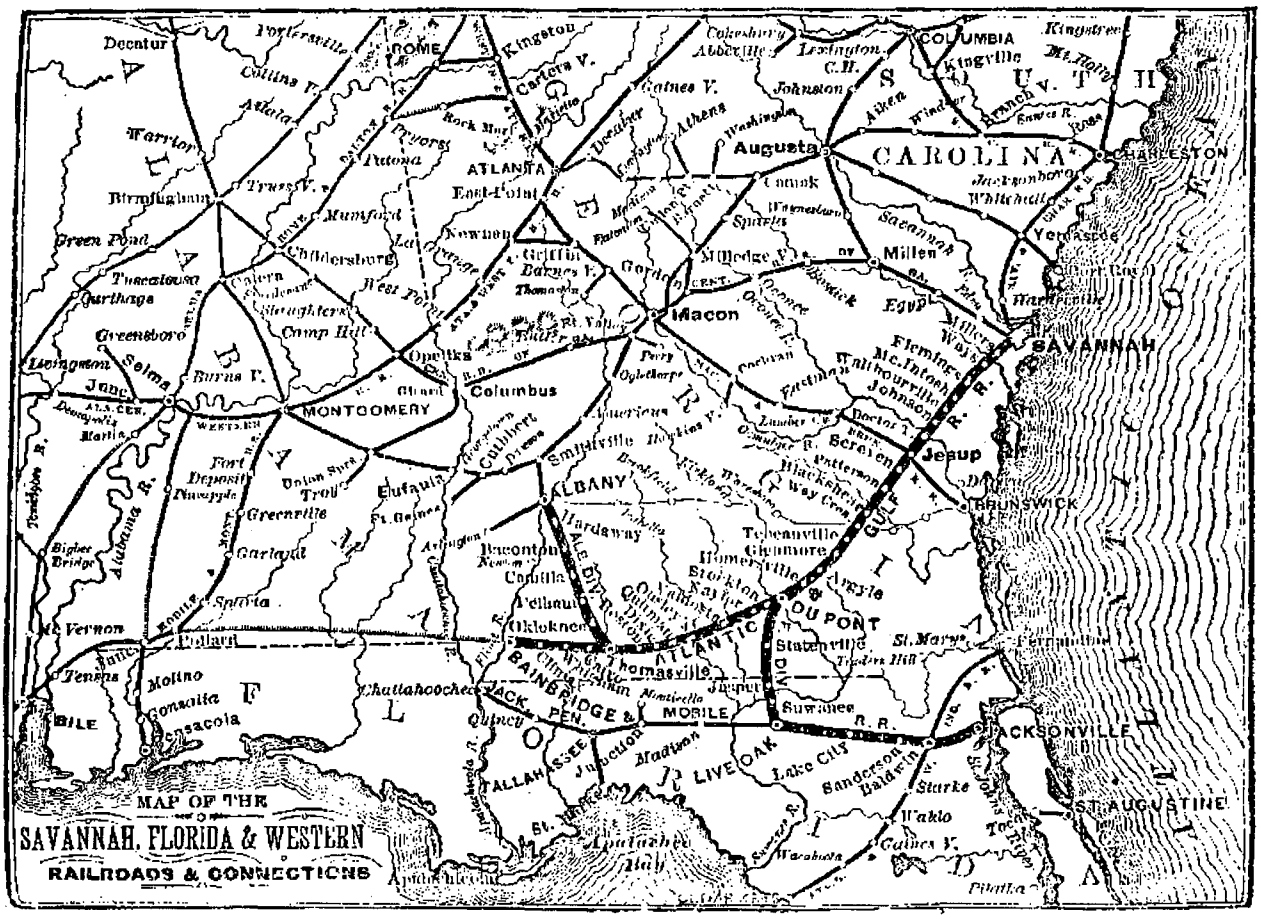

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The first known robbery credited to Gus Hyatt was near Calera, Alabama, between Birmingham and Montgomery. Detectives scoured the region shown in this map, originally published in *Appleton's Railway and Steam Navigation Guide*, July 1880.

drafts and taking the cash. He then headed off on foot towards the Mississippi River via Douglas, Linton, Hamblin, and Murray, Kentucky, crossing the wide river at Columbus, Kentucky. Hyatt boarded a train at Belmont, Missouri, across from Columbus, and caught various connections to Kansas City, where he arrived on July 3.

No sooner had Hyatt hit Kansas City than things started to go wrong. Hyatt arrived at 7 AM and by afternoon was at one of the city's "Turkish baths." A woman working the bath house apparently noticed Hyatt's pocketbook when he removed his clothes and proceeded to steal it. Gus, who had been drinking, raised a row over the theft and the police were soon on the scene. The two revolvers and the recovered cash raised suspicions. Hyatt was in the Kansas City calaboose by 5 PM. The outlaw was given the "third degree," by differing accounts in Kansas City and/or Memphis, Tennessee.

Following his capture, Hyatt spent time in the "sweat box," an interrogation technique that more or less loosened his tongue. He even confessed to killing a man at DeKorven, Kentucky, on April 15.

Gus Hyatt was taken to Clarksville for trial, arriving on July 11, but first he took detectives to the bluff where he had stashed his other loot. It was never clear exactly how much money was taken but it was probably under $5,000. On July 15 Hyatt was arraigned, at which time he plead guilty to the train robbery charge. His trial, which began at 11 AM on Thursday, July 15, and lasted only an hour and a half, concluded with a fifteen-year sentence. Hyatt got off easy, considering train robbery was a capital offense in Alabama. But fifteen years could well be a death sentence. The average prisoner at the Tennessee State Penitentiary seldom survived more than ten.

For the next few years Gus Hyatt cooled his heels in the state prison in Nashville. Gus was reportedly a regular attendee of the prison Sunday school. It was noted that Hyatt had spells of depression. Superintendent Arthur Ransom "long regarded him [Hyatt] as possessing more nerve and bull-dog courage than any other prisoner in the penitentiary." Hyatt and a group of burglars and safe crackers that he associated with in a prison looked upon outlaws such as Wild Bunch desperado Harry Tracy for inspiration. "Often members of the clique were overheard discussing Tracy, and all were of the opinion that he was 'all right.'" It was noted that Hyatt and friends "were omnivorous readers of yellow journals, and paid special attention to daring and desperate acts." On June 9, 1902, Harry Tracy made a daring escape from the Oregon State Penitentiary in Salem, overpowering guards and shooting his way to freedom. It must have been a moment of inspiration for Gus Hyatt and chum Ed Carney,

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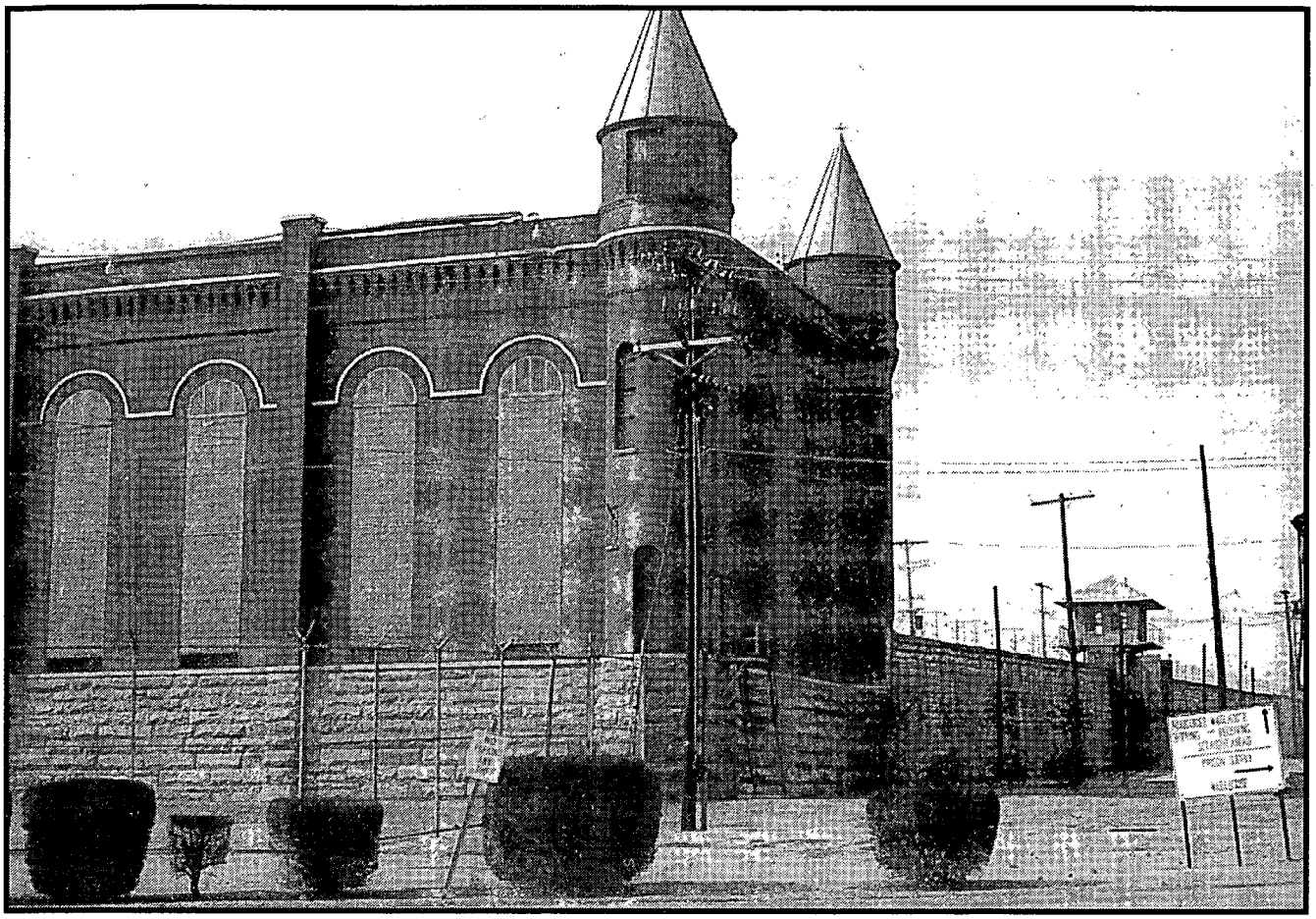

Author's Collection

Gus Hyatt and others blasted a hole in this wall to make an escape from the Tennessee Penitentiary. Inmate Ed Carney was shot by guards posted just outside.

a career burglar and thug.

It was Monday evening, August 4, around 7 PM when inspiration turned to action. The prisoners in the east wing of the prison had just gone through a head count in the corridor outside their cells prior to lock-up. On the extreme end of the building, guard Allie Gamble was pacing the corridor when suddenly Gus Hyatt appeared, armed with two revolvers. "All of you, God damn you, stand back," he yelled, firing two shots at Gamble, one of which nearly hit the guard. Gamble was grabbed by two prisoners and thrown into a cell, more for his protection than anything. Suddenly, a loud explosion shook the end of the building. Some afterwards said it was dynamite, but others thought from the sharp crack it made that it might have been nitroglycerin. Mortar, brick, and glass filled the air. The explosion created only a small opening in the prison wall and a second charge was placed by veteran safe cracker John Doe (his apparent name!) at the base of one of the large, barred windows. The second charge blew a hole that "would allow the stoutest man to get out."

Some prisoners began to scramble towards the hole, though only Hyatt, Carney, Doe, and Frank Watson were actually a party to the plot. Watson, a "lifer," had been convicted of murdering his wife, largely on circumstantial evidence, and claimed innocence. Many prisoners stayed behind, not wishing to take part in a chancy escape attempt, but others raced towards the opening and what they perceived as freedom, while Hyatt brought up the rear. There was no outer wall, but there was a drop of twelve to fifteen feet to the ground. Outside, three guards fired away at the opening. Among the last to get out was Hyatt's buddy, Ed Carney, who was shot in the head. Hyatt blazed away at the outside guards with his revolvers as he made his retreat into the darkness. In all, some sixteen prisoners made the break, including Carney.

It was not long before the prison guards had the bloodhounds on the trail of the escaped train robber and the others. Warden Hartford reached the prison that evening, just after the break, and took over the manhunt. He would have some explaining to do, as two pistols had been reported missing from the Administration Building several days prior to the breakout. Some claimed these were the guns Hyatt used, though Hartford continually maintained that civilian workers inside the prison must have smuggled the guns and explosives to the prisoners.

Two prisoners, Joe Lass and James Ward, sentenced for burglary, were "treed" and captured on the Baxter farm near the prison. Thirteen men, Hyatt included, were still at large. The massive manhunt continued into the following day. James

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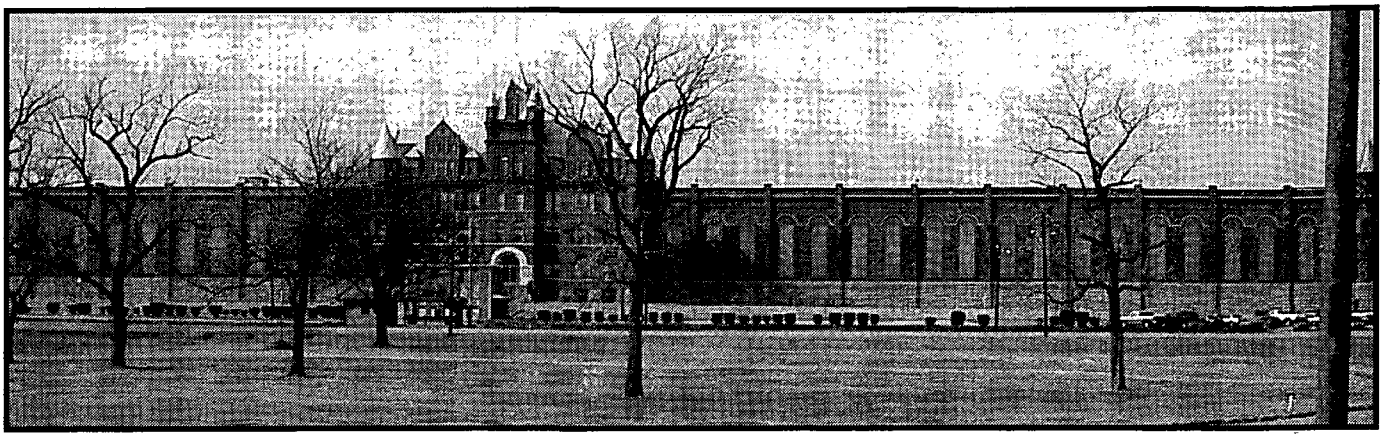

Author's Collection

The old Tennessee State Penitentiary, built circa 1898 and now vacated. The Administration Building is in the center, the wing from which Hyatt and others escaped is at right.

Grady, a safe blower, was caught hiding near the bank of the Cumberland River below the penitentiary, and was soon escorted to "the dungeon" below the prison. The local press dubbed the escape the "Boldest On Record."

There were reports throughout the day about the other convicts, some of which turned out to be false. Two were supposedly still in the vicinity of the Baxter farm, and another group supposedly was in the area of West Meade, several miles southwest of Nashville. A farmer named Keith living near the West Meade estate heard a commotion in an old rock quarry and went to investigate. Peering over the tall weeds, he was spotted. Seeing guns pointed at him, he ran all the way to West Meade, where he used a telephone to summon the lawmen. The dogs were brought in, but they soon played-out in the heat. Some six or seven escaped convicts were still in the vicinity. Another group was reported across the river at Jordonia, but this was unconfirmed, though one prisoner's clothing was found on the banks of the Cumberland. It was speculated that he had either drowned or swum across the river and was running around naked.

The next man captured was Emory Hunter, an escaped murderer from east Tennessee. He was taken early Thursday morning by a local farmer on the Hydes Ferry Pike named Dan Young. Better known to the locals, and western historians, as "Dude" Young, Dan had cussed-out Frank James in a nearby country store over a 1880 horse trade, and lived to tell about it. This time Young was armed with something besides his mouth. The convict asked for a change of clothing when he ran into Young, and the farmer, not letting on, told him to go to the stable, where his son watched over him. Instead of clothing, Young brought a shotgun, and Hunter was soon back at the prison.

Over the next few days there were more sightings, including one of a nude man hiding on the Baxter farm. A store at Vaughn's Gap, near West Meade was burglarized, and clothing taken, but no prisoners turned up. Another group was spotted on the railroad near Burns, about thirty-five miles west of Nashville. Others were seen in the Primm community of Hickman County, around Erin, Tennessee, where a man thought to be Hyatt robbed a farmer of $200. There were even sightings in downtown Nashville, where a convict was allegedly spotted on College Street, near the Public Square. In this area, the previous fall, "Wild Bunch" member "Deaf Charley" Hanks had a narrow escape from police, and Annie Rodgers, Harvey Logan's mistress, had been captured passing stolen money.

On Tuesday, August 12, a man thought to bear a strong likeness to a photo published in the Sunday paper was seen at Big Sandy, on the Tennessee River, but he vanished. It probably wasn't Hyatt, though, for Gus Hyatt was probably elsewhere.

At 2 PM, on Friday, August 15, Deputy Sheriff T.S. White heard reports of a group of five men wandering near the town of Waynesboro, about seventy miles southwest of Nashville. It was in Waynesboro that "shootist" Clay Allison had gotten in trouble with the law in 1868 before heading west. Deputy White was traveling down a road when he ran into five of the convicts, including Hyatt and John Doe, near the head of Cypress Creek. The men were sitting on a pile of lumber near a cabin. White opened fire with his Colt revolver, and Hyatt and Doe returned fire, as White brought his horse to the ground and used it as cover. The escapees fled down the road, leaving two hats and some .44 cartridges behind. White was unable to follow until later, with Sheriff Hill. It was thought the men were heading for Florence, Alabama. Possibly they had retreated to the Wayne County area, using the now nearly deserted Natchez Trace, an old haunt of highwaymen.

What happened to Gus Hyatt beyond this point is a mystery. Pinkerton records have failed to shed further light on his ultimate fate. Was he later recaptured or killed, or did he escape into oblivion? One thing remains known: Gus Hyatt's dramatic prison break is still unrivaled in Tennessee.

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Alfred Kochendorfer WANTED TO BE AN OUTLAW!

Author's Collection

Alfred Kochendorfer before entering Deer Lodge Prison as inmate No. 1338.

Alfred Kockendorfer was a nineteen-year-old city boy who dreamed of being a wild rustler and outlaw. During May 1903, fed up with city life, he left the security of his home in St. Paul, Minnesota, and headed for the busy town of Plentywood, Montana. This was "Dutch Henry" Ieuch country, and young Alfred thought it a good place to try and join the famous outlaw gang.

Having very little in the way of cash, Alfred soon landed a job at the Frank L. King ranch. His clean-cut looks, and willingness to work made him a very popular choice. He only worked a short time, drifting on until he took employment with the LaPorte Cattle Company. Alfred had trouble getting along with the wranglers, and a difficult time taking orders. He was finally fired. Alfred vowed to get even. That night he stole two of George LaPorte's horses. He sold one to a Mr. Brown at Culbertson, Montana, but before he could get out of town he was arrested.

Alfred seemed pleased he was now considered by the authorities a

By Roy P. O'Dell and Barbara Hegne

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Courtesy of Dave Pyle

This sketch of "Dutch Henry" leuch is based on a description provided by Jim Marshall, who saw the outlaw many times during his youth in Montana. Artist Dave Pyle used to draw composite drawings for law enforcement agencies in Moose Jaw, Canada.

"bad man." He was sentenced to one year in Deer Lodge Prison. The young outlaw was received at the prison on August 8, 1903. A newspaper reported, "He evinced no displeasure at being given a year in the pen, but seemed to think it was the grand climax to his reputation as a sure enough bad man."

After serving eleven months, Alfred was released in July 1904. He headed for the Big Muddy on foot. Eleven days later, near the town of Malta, the young outlaw stole a horse, saddle, chaps, and a gun. The owner, R.M. Trafton, followed him from Malta, to Hinsdale, then Alfred turned up Rock Creek riding hard and fast. Soon he was miles away and his tracks blended into the prairie. Alfred arrived at the town of Plentywood in fine style, but a little hungry.

The young outlaw stopped at the Iverson ranch and asked for food. Iverson recognized Alfred, and accused him of stealing a saddle from his ranch a year earlier. Iverson told Alfred he would have to work haying for three days to pay for the saddle. Reluctantly, the young outlaw agreed.

While he was working, Alfred boasted he was on his way to join up with the Dutch Henry gang. In the meantime, Iverson read in the newspaper that Alfred was wanted for horse stealing. He notified Deputy John Davis, and Alfred was again arrested before he got his big chance to meet Dutch Henry.

Alfred was taken to Culbertson and locked in jail with two Dakota horse thieves. The three men plotted to overpower Pledge, the jailer, and escape. That evening Pledge went to close the windows in the corridor, and as he turned his back, the inmates reached through the bars and grabbed him. One inmate held Pledge against the bar cell while the other two tried to get his gun and keys. Pledge took a deep breath, clinched his fists, tightened his chest, and broke free. The inmates were surprised at Pledge's muscular strength. Now the jailer

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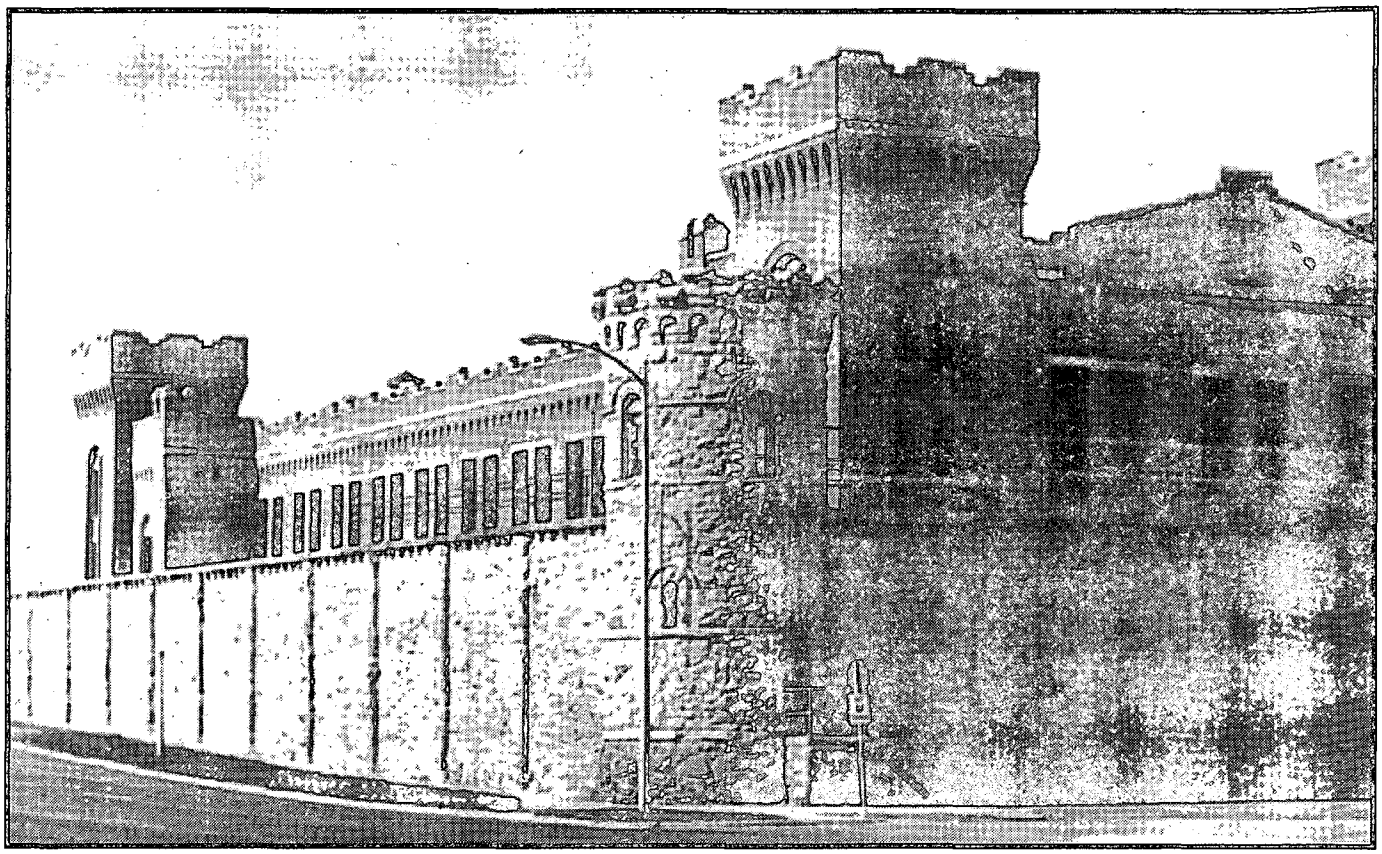

Courtesy Powell County Museum and Arts Foundation

The Montana State Prison at Deer Lodge.

John Segesman Collection

This painting of "Coyote Pete" hangs in the "Dutch Henry" Club in Peerless, Montana.

had the upper hand. He put them in separate cells, and fed them bread and water.

In September, George LaPorte fled a charge accusing "Coyote Pete," Dutch Henry's brother, of being in cahoots with Alfred when Alfred stole the LaPorte horses. Pete could prove he had been tending sheep for J.B. Long and that he was nowhere near the LaPorte ranch.

At his trial, Alfred claimed he traded a horse to Dutch Henry and Carlyle for the horse he was accused of stealing. The jury was convinced Alfred was too dangerous a liar for the community, and sentenced him to four years at the Deer Lodge Prison. Some folks thought his sentence was a little stiff, especially when other criminals were guilty of worse crimes, and received lighter sentences. The judge explained the long sentence was due to it being his second offense. Alfred left the court room looking sad and pale.

Perhaps he was finally having second thoughts of becoming a outlaw.

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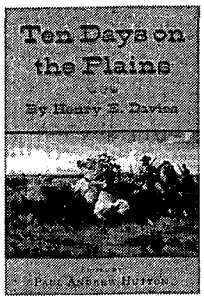

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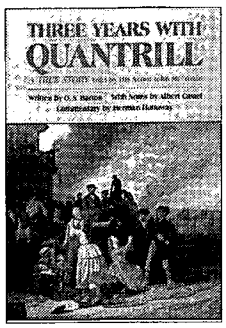

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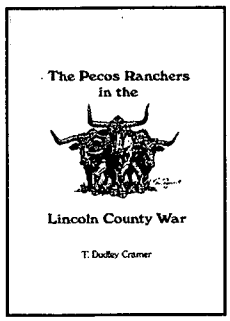

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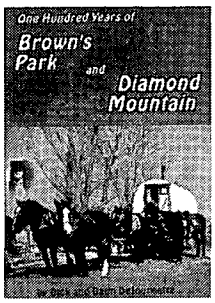

665—ONE HUNDRED YEARS OF BROWN'S PARK AND DIAMOND MOUNTAIN. *By Dick and Daun DeJournette.* The DeJournette family has resided in Brown's Park, home of the infamous Brown's Hole, since 1895, the year that Dick's father, Ford, arrived as a young cowboy. Ford became acquainted with and befriended many of the area's most well-known characters, such as Harry Tracy, Butch Cassidy, and David Lant. This book is an account of the DeJournette family's life as well as a revealing history of the famous region in which they settled and lived. 476p. DeJournette Enterprises.
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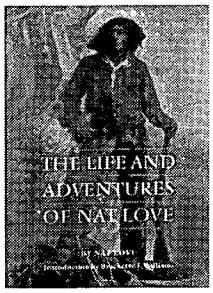

689—THE LIFE AND ADVENTURES OF NAT LOVE. *By Nat Love.* Although thousands of black cowboys pushed cattle north following the Civil War, only Nat Love wrote about his experiences. Born a slave in Tennessee, Love migrated to Kansas after the war to begin a career riding the range and fighting Indians, outlaws, and the elements. His vivid autobiography takes the reader through the close of the frontier. 180p. University of Nebraska Press.
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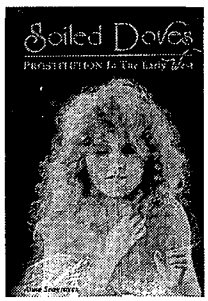

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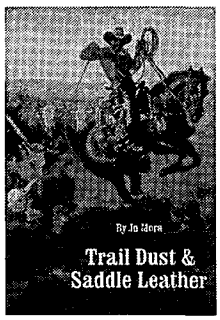

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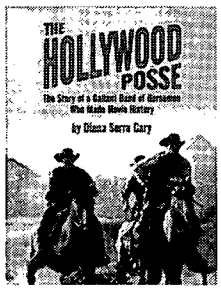

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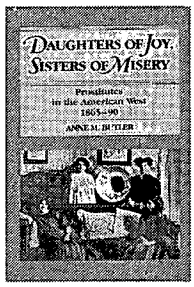

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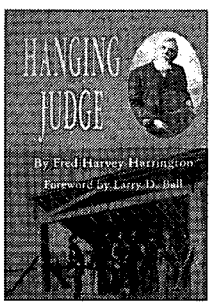

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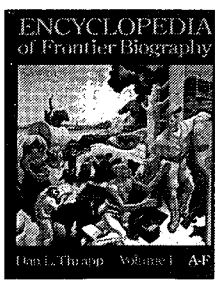

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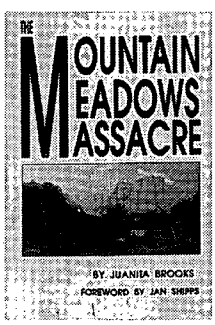

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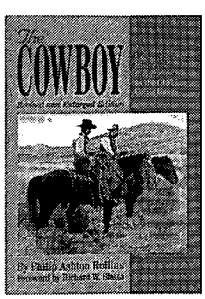

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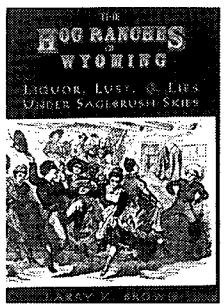

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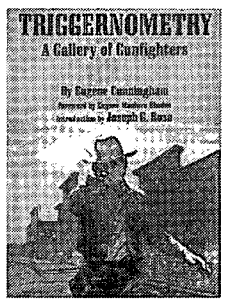

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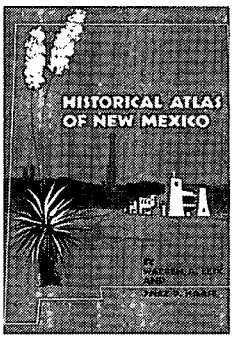

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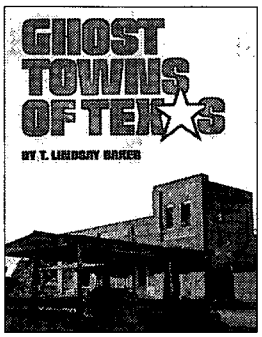

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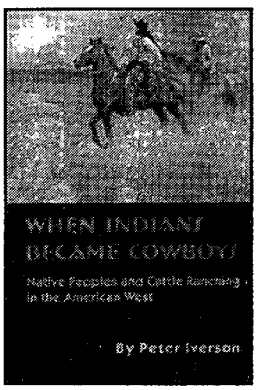

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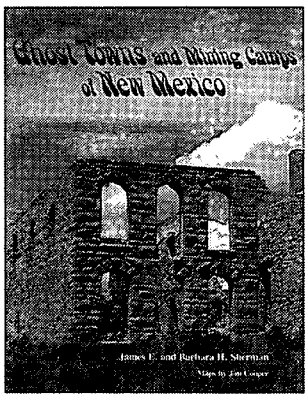

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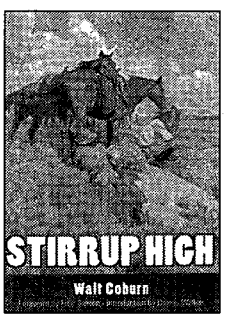

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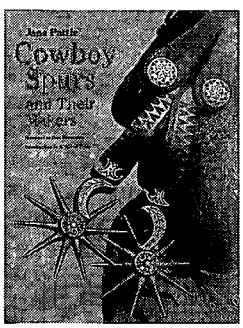

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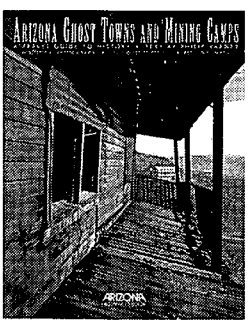

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REVIEWS

A Quest for Butch and Sundance

Outlaws: A Quest for Butch and Sundance, by Eamonn O'Neill. (Mainstream Publishing, Edinburgh, Scotland. Distributed in the United States by Trafalgar Square Publishing, PO Box 257, North Pomfret, VT 05053. 255 pages, 39 illustrations, bibliography. $29.95 Cloth.)

Eamonn O'Neill, contributing editor of *European GQ*, is a young Irish writer who grew up in the West—the West of Scotland. Like many a lad, he day-dreamed and, as he recalls today, "used to watch cowboy films, read old western books and hoped one day I'd see the American West for myself." O'Neill's favorite movie was *Butch Cassidy and the Sundance Kid.* He cherishes a dog-eared paperback of James Horan's *The Wild Bunch.* A couple of years ago, he fulfilled his dream: he set out to see the West for himself and follow Butch and Sundance's trail.

O'Neill's *Outlaws* tells the story of his adventures tracing the trail, which leads him from Pennsylvania, where Sundance grew up, to the Northern Plains and the Rockies, where Butch and Sundance joined forces and rode into legend. Along the way, O'Neill weathers cranky immigration authorities, blinding blizzards, endless highways, and countless cups of bad coffee. Intertwined with his modern travails is Butch and Sundance's history. He is well read on the Wild Bunch literature, and he occasionally calls upon the bandits' descendants, like Bill Betenson and Paul and Donna Ernst, to fill in the details.

About half the illustrations in *Outlaws* are historic photos (including that ca. 1900 Utah railroad crew image that set off a press speculation in England last year that it depicted Butch in 1910, back from South America), and the others are modern color shots taken during O'Neill's quest. Several of the latter photos show Wyoming in the winter—bleak, cold, and white, which is a reminder that the cowboys of the era spent almost half the year freezing their chaps off.

A high spot of O'Neill's travels was his meeting with Bill Betenson, Butch's great-nephew, and touring the old Parker cabin in Circleville. He stood among the poplar trees planted by Butch and found himself, at a shed out back, opening "the same doors Butch himself had opened when he'd dragged himself out of bed to do the early-morning chores." Talk about living your dreams.—*Daniel Buck, Washington, DC.*

Chief of the Chiricahua Apaches

Mangas Coloradas, Chief of the Chiricahua Apaches, by Edwin R. Sweeney. (University of Oklahoma Press, 1005 Asp Avenue, Norman, OK 73019. 600+ pages, 3 maps, photos, extensive notes, index, bibliography. $34.95 Cloth.)

Edwin R. Sweeney, noted author and one of the Southwest's premier authorities on the Chiricahua Apaches prior to 1886 first gave us *Chochise*, and now comes his most recent book about Mangas Coloradas, a natural follow-up to the first, dispelling many myths, and half truths about this little known, but major leader among the Chiricahua.

Most aficionadoes of history are unaware that Mangas was a legend in his own time and a son-in-law of the famous Cochise. He was incredibly tall for an Apache (well over 6'4") and made a visual impact wherever he appeared. He was a man at peace with himself and his domain. Well into his 70s when he was brutally murdered by a race he tried to befriend, he personified the attributes of any great leader: courage, diplomacy, kindness and generosity, wisdom, and foresight.

His usual stand was peace first, but when betrayed, he turned on his tormentors and wreaked havoc on both sides of the border. This was true even in death and the cruel betrayal by the military caused the

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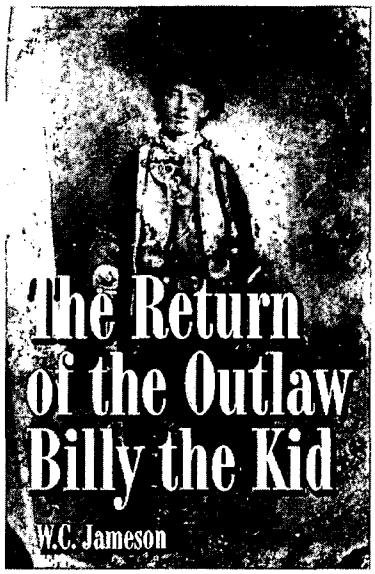

Who *was* Billy the Kid?

Authors W.C. Jameson & Frederic Bean have spent *years* painstakingly sifting through the evidence and old court documents, examining genealogical papers, and conducting personal interviews. See for yourself the startling results from state-of-the-art computer photo analysis. Was Billy gunned down by Sheriff Pat Garrett? *Or* did he die an old man in Hico, Texas?

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Apache wars to continue their bloody swath through settlements and lonely ranches for more than two decades as his people sought to prevent greedy encroachment into their territory.

Because so many of his activities occurred in Mexico, we have limited documentation of events, battles, and general history. However, Mr. Sweeney is a magnificent researcher who not only examined archives on both sides of the border, but also traversed his beloved Southwest, visiting forts, battlefields, and sacred sites.

An added bonus is that we learn about Apache leaders with whom the American is basically unfamiliar. Musical names such as Costales, Narbona, Matías, Reyes, Pisago Cabezon, and even Mangas' Mexican name of Fuerte will, for the first time, be discussed with more than just a few words about their contribution to the Apache legacy.

The book also presents blistering commentary regarding both the military and civilians of that day—those who pushed relentlessly forward in their quest for Manifest Destiny. Mangas, according to Sweeney, "forfeited his life to an autocratic military regime in New Mexico that had abandoned its own moral and religious values." One could say the same for the majority of the White population as well.

Academics will be impressed with the book's well researched facets. The general reader will appreciate the passion and intriguing story of Mangas though they might appreciate the photo sections on glossy paper which would do justice to the material. Other than that, their view of the Apache warrior culture will be enhanced.

As he did previously for Cochise, Ed Sweeney has crafted an incredible story about Mangas. These two men deserved, and now have their life story before the world.—*Lynda A. Sánchez, Lincoln, New Mexico.*

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Wyatt Earp Speaks!

Wyatt Earp Speaks! My Side of the O.K. Corral Shootout, Plus Interviews with Doc Holliday, by Wyatt Earp and others, edited by John Richard Stephens. (Fern Canyon Press, PO Box 1708, Cambria, CA 93428-1708. 410 pages, maps, photos, contemporary drawings, index. $34.95 Cloth, $19.95 Paper.)

The last couple of years has seen a spate of new publications dealing with Wyatt Earp. Glenn Boyer, the researcher and writer who has spent a lifetime digging out the Earp story, continues to self-publish a series of pamphlets dealing with the legendary frontier lawman and those associated with him. Appearing in 1997 was a rather pedestrian treatment of Earp's life authored by Steve Gatto and published in a paperback edition by a small southwestern publishing house. This was followed the same year by a major new Earp biography written by Casey Tefertiller and produced by a New York publishing house. Now from another obscure Western press comes yet another Wyatt Earp volume.

Wyatt Earp was notoriously reticent to discuss his experiences; Stuart Lake, whose 1931 biography contributed greatly to the Earp legend, had the advantage of interview-

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ing the lawman in his latter years, but found it so difficult to extract the story from the tight lipped old man that he fabricated his own quotations. Aware of Earp's reticence, this reviewer was therefore surprised to see the new book entitled *Wyatt Earp Speaks!* and written, according to the title page, by Earp himself.

But students of Earp history should not expect to find in this book anything new from the pen of the legendary lawman. Editor John Richard Stephens has collected about all the extant quotations attributable to Earp, newspaper interviews, letters, courtroom testimony, and a series of articles published in the *San Francisco Examiner* in 1896 which carried the Wyatt Earp byline, but, as editor Stephens admits, were written by a ghostwriter, probably the paper's star reported, Robert Chambers. Since all of this could not a book make, the editor has augmented the meager collection of purported Earp quotations with other newspaper and magazine pieces in which close associates of Wyatt, principally Bat Masterson and Doc Holliday, are quoted. After the large, heavy type of the title page proclaiming authorship of the book by Wyatt Earp, the contributions of Bat and Doc are barely acknowledged by the line, "and others" in tiny type.

Perhaps of most interest to Earp and Tombstone aficionados is the inclusion by the editor of an account of the famous Tombstone street fight between the Earps and the Clanton-McLaury crowd with detailed illustrations of the positions of the participants at various stages of the battle. This is drawn primarily from the work of Tombstone researcher Jeff Morey. Also of value are several maps, especially a fold-out of the Tombstone streets, identifying the principal homes and businesses that figured in the Earp saga. Carl Chaffin, another Tombstone historian, and editor Stephens are credited with preparation of this map.—*Robert K. DeArment, Sylvania, Ohio.*

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From Six-gun to Pulpit?

One of the more elusive figures of the Oklahoma Territorial days remains J.S. "Steve" Burke. Ronald Buermeier, a reader from Cincinnati, Ohio, inquires about this "little known Federal marshal."

In Evett Dumas Nix's book *Oklahombres,* we are told that Burke's life—before he became an Oklahoma lawman—was "one of failure, drunkenness, and irresponsibility." One report states that he was born in El Paso, Texas, in 1855, but this is doubtful. He had studied law but never practiced, tried ranching but failed, and then dabbled, unsuccessfully, in the insurance business. With his life in ruins he begged for another chance, and United States Marshal Nix gave him that chance, commissioning him as a deputy. It must have been his sincerity, and presumed daring, that caused men to obey the law. Burke used the persuasive power of the six-gun and, ultimately, prayer to enforce territorial law.

Burke supposedly served from 1893 to 1895 under E.D. Nix, but contemporary records fail to show his name in connection with Nix until January 2, 1895, when Nix gave a banquet for his deputies in Guthrie. Burke is frequently mentioned in the Guthrie newspapers from the spring of 1895 on. By August of that year he was in Pawnee with Frank Canton.

On August 19 (or 21 according to some), Deputies Burke and Canton, with Morris Zuckerman and Gant Owens, captured Jennie "Little Britches" Midkiff and Annie "Cattle Annie" McDoulet, co-horts of the Doolin gang. After a brief exchange of gunfire, the two young girls surrendered. The "outlaw sweethearts" escaped but were recaptured a few days later.

In October 1895 Burke was made the managing deputy of the Fourth Judicial District, with headquarters in Perry.

One of the most dramatic gunfights between lawmen and outlaws was the battle at Ingalls, Oklahoma Territory, on September 1, 1893. Many references include Burke's name as being one of the deputies present during the fight with the Bill Doolin gang. The Stillwater *Gazette,* however, listed only thirteen lawmen who were present: Thomas J. Hueston, Dick Speed, Lafe Shadley, John Hixon, W.C. "Doc" Roberts, Jim Masterson, Ike Steele, H.A. "Hi" Thompson, M.A. Inason, Henry Keller, George Cox, Jim Pierce, and Ham Hueston. Deputies Speed, Tom Hueston, and Lafe Shadley were killed outright or died from their wounds during the engagement.

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Steve Burke, preacher and United States deputy marshal.

In June 1894 Burke, along with Frank Canton, Frank Lake, and Will M. Nix captured career criminal Ben Cravens. Cravens was sentenced to time in the Leavenworth, Kansas, penitentiary.

After this episode the record concerning Burke is very dim; some reports indicate he was dismissed, or perhaps resigned on his own, due to problems with drinking and gambling. His conversion came as the April 28, 1897, issue of the Guthrie *Leader,* headlined, "Former Deputy Marshal Acknowledges Himself the Worst Sinner of All." At this point, Burke began giving lectures and doing evangelistic work in many communities.

Wild, and ultimately false, stories about Burke have survived, such as the one that he was taught how to use his six-guns by John Wesley Hardin; that he killed George "Red Buck" Waightman of the Doolin gang; and that he captured Rufus Buck and Al Jennings.

Supposedly, Burke converted thousands of people by the brilliance of his evangelistic message. He reportedly authored a small booklet entitled *Seventeen Years in Hell—the Dark Side of Life,* depicting his appetite for liquor, gambling, and associations with evil men. In September 1897, an advertisement appeared for a Burke book entitled

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From Death unto Life. This may be another title for *Seventeen Years in Hell,* or he may have written two separate books. Either way, his book(s) are extremely rare. It is quite possible that no copies are still in existence.

On July 10, 1915, Steve Burke wrote a letter from Cushing, Oklahoma, to E.D. Nix praising the Bill Tilghman movie, *The Passing of the Oklahoma Outlaw.* Whereas reformed outlaw Al Jennings had made a movie glorifying the life of the outlaw and making the lawmen look like blundering oafs, Tilghman and others produced a film condemning the outlaw life. Evangelist Burke praised the Tilghman movie as "the greatest silent sermon that was ever preached on the text 'The Wages of Sin Is Death.'"

There is a persistent story that Burke was preaching in a Paris, Texas, church and dropped dead at the pulpit, but as yet I have been unable to confirm this.

I would really appreciate any information concerning Burke's birthplace and/or death. Certainly a *True West* reader can help us out with this historical mystery.

Black Jack Ketchum

George R. Young, Chicago, Illinois, has been trying to find reliable information on Thomas "Black Jack" Ketchum and is finding it a difficult task. "I've not yet got much on him and his gang. Could you help out?"

Although many books contain a chapter or deal in part with Black Jack there are few full-length biographies of him, and none are considered top notch. My suspicion is that he was not that attractive a subject for biographers. It was his botched execution by hanging that brought him great notoriety. There were few, if any, elements in his personality or career which attracted the myth makers or even the serious biographers.

There are two books devoted to him, but neither is easy to find. Ed Bartholomew's *Black Jack Ketchum, Last of the Hold-Up Kings,* printed in 1955 in an edition of 1000 copies, has long been out of print. F. Stanley printed 500 copies of his biography, *No More Tears for Black Jack,* in 1958. This also has long been out of print.

Legal Hangings, written by Peter Hertzog in 1966, deals with Ketchum's legal execution in Clayton, New Mexico. Arie W. Poldervaart wrote *Black-robed Justice: A History of the Administration of Justice in New Mexico from the American Occupation in 1846 Until Statehood in 1912,* which contains material on the trial and execution of Black Jack. Albert W. Thompson published *The Story of Early Clayton, New Mexico,* the town where Black Jack was executed, in 1933. The second half of the book deals with Ketchum's crimes, trial, and execution.

Ramon F. Adams, in *Six-Guns and Saddle Leather,* lists ninety books that mention Ketchum but the titles listed above are the only ones which deal directly with him or have extensive material on him. Naturally, for the most part, there is much duplication in these titles.

Thomas E. "Black Jack" Ketchum was born October 31, 1863, in San

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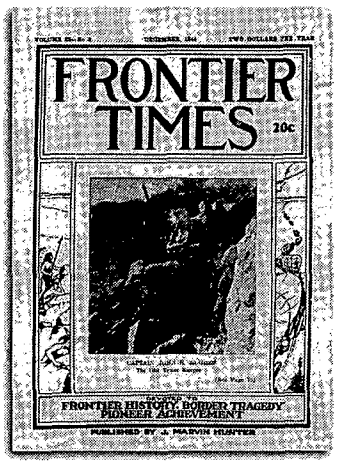

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Saba County, Texas. He left home about 1890 and worked as a cowboy in New Mexico. By 1894, older brother Sam had joined him and they began their career of crime. Their early escapades included killing a merchant in Carrizozo, New Mexico, robbing various businesses, and holding up stages. In 1897 they robbed two trains in Arizona and on September 3, 1897, robbed a train near Folsom, New Mexico. On August 16, 1899, Black Jack attempted to hold up a train at almost the same spot by himself and was shot by conductor Frank E. Harrington. Picked up the next day, his arm had to be amputated while awaiting trial. Ketchum was found guilty of "molesting a train," a hanging offense. He went to the gallows on October 5, 1900, at Clayton. He had gained weight in prison and the drop was too great. Ketchum's head was severed from the body.

Brother Samuel W. Ketchum participated in many of the same crimes with Tom. His end came not long after a July 1899 gun battle with lawmen in Turkey Creek Canyon, Colfax County, New Mexico. Colorado lawman Edward J. Farr was killed, five members of the posse were wounded. Outlaws Sam Ketchum and William H. McGinnis were also wounded. Posse member Henry M. Love died of his wounds four days later, and Sam Ketchum died of blood poisoning on July 24.

Many books dealing with the Wild Bunch include the Ketchum brothers as members. Unfortunately, Black Jack Ketchum has never caught the public's imagination as did Sundance or Butch.

Reading Brands

True West reader L.P. Holmes, Jr., Lafayette, California, recently sent me a paper place mat from a local restaurant, decorated with dozens of cattle brands. I was asked to identify them, if at all possible, and asked how to "read" brands. Of the brands on the mat, I recognized only the famous brand of the King Ranch of Texas, the "Running W."

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It is virtually impossible to identify where a brand comes from by just seeing the brand. Every county, at least in many of the western states, has a *Record of Marks and Brands* kept in the county courthouse. I have visited numerous courthouses and checked the brand books, just to see if a person I was researching had registered a brand. Some ranchers had several dozen brands registered in his name, some for his horses, some for cattle, some in his children's name, some in his wife's name, and so on. There were also the marks cut into the animals' ears which were recorded. I encourage readers to visit the county courthouse and ask to see the brand books. They are quite interesting to browse through. With enough "study," a person can learn how to "read" many of the brands.

"Mysterious Dave" Goes Back

In the February issue I raised the question of when David Mather's moniker "Mysterious Dave" first appeared in print. At that time the earliest I knew about was an article in the Las Vegas, New Mexico, *Daily Optic* of February 24, 1880. Thanks to reader Max Roberts, from Grass Valley, California, this has been pushed back a year.

In the January 7, 1879, issue of the *Ford County* (Kansas) *Globe* appeared an article dealing with the capture of outlaw chief "Dutch" Henry. In the article appeared this sentence: "[Bat] Masterson received news that Dutch Henry was at Trinidad [Colorado] in company with Charley Morrow, Mysterious Dave and others, and had been there several weeks." Although this doesn't specify it is Dave Mather, this is almost certainly our man. Can a reader find an earlier reference?

If you have a question, send it to Chuck Parsons, Western Publications, P.O. Box 2107, Stillwater, OK 74076. Please keep questions brief. Sign your full name and address, including zip code. Names will be published if question is used. Space limitations may not permit us to use all questions. Due to the volume of mail, we cannot forward correspondence to people whose questions appear in "Answer Man."

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FRANK OVER THE FENCE

BY DON CLINE ❁ ILLUSTRATED BY RICHARD IGNARSKI

Many of the early, western figures were blessed, or cursed, with many, colorful names. There was "Two Fingered Jack," "Off" Wheeler, "Rustling Bob," "Cactus Jack," and other interesting sobriquets. New Mexico had its share of such characters and one was known as "Frank Over the Fence." His real name was Frank Price and while his nickname implied a ludicrous nature, there was nothing at all comical about Frank Price.

He was a one-armed hooligan who was a cold-blooded killer for no other reason than a well-developed, mean nature. He had earned his nickname in a most ingenious manner. Before coming to Grant County, New Mexico, Frank had murdered a man in the course of a heated argument. He ran away and the police gave pursuit on foot. Frank led them down many alleys and streets until he came to a dead end blocked by a high, wooden fence. Frank was agile enough to jump over the fence and elude his pursuers. Because of this manner of escape he became known as "Frank Over the Fence."

Little information exists regarding Price's early life and what is known of him deals with his brief stay in Grant County. He became a hardcase around Silver City and neighboring towns and was known even into eastern Arizona. He murdered a man in cold blood in Grant County but for some reason was never indicted for the crime. In 1879 he slew John Bickel at Burro Springs during another dispute. Although he was indicted for this killing, he was later acquitted for lack of evidence.

His murderous background and disposition made him highly unpopular with local citizenry. It was said that it was but a matter of time before justice would be served him. In the meantime the population avoided him as best they could. His final murder was his most famous.

It occurred in nearby Deming on August 2, 1881. As usual, Frank was, on that day, drunk and very abusive. When in a state of inebriation he would normally go seeking trouble. And he usually found it. He had engaged in several narrow scrapes during the course of the day but nothing serious came of them. But

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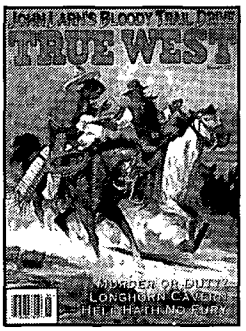

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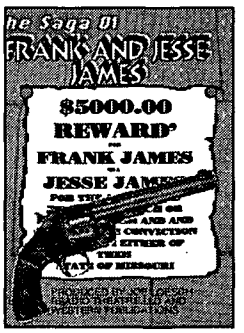

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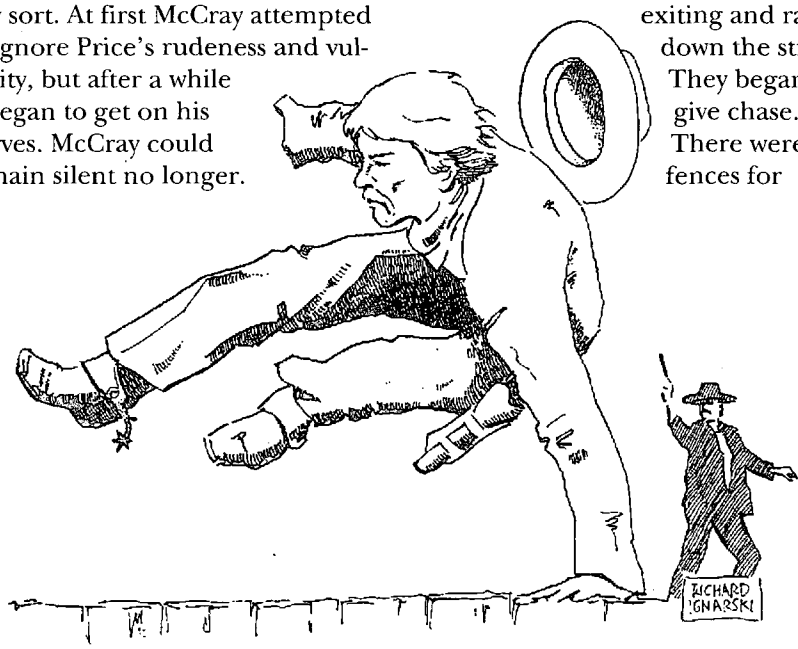
the more he drank, the worse he got.

Nightfall found him in front of John Warden's cafe. Price staggered inside and collapsed into a chair directly across from a local citizen named M.S. McCray. McCray did not know Price or his bad reputation and, at first, paid him no mind. Then Price began making himself generally abusive to all. He banged on the table with his fist, knocked the dishes to the floor, and shouted in vile and profane language at everyone in the cafe. The other patrons knew of Price's explosive temper and thought it best to ignore him. Unfortunately, someone should have told McCray. It might have saved his life.

McCray was well known around Deming and was regarded as an upstanding, quiet man who had never been involved in problems of any sort. At first McCray attempted to ignore Price's rudeness and vulgarity, but after a while it began to get on his nerves. McCray could remain silent no longer.



McCray looked up and, in a calm voice, inquired as to why Price was breaking up all the dishes. Once he had said his piece McCray returned to finishing his meal.

Undoubtedly, Price was shocked by the reaction of this obvious milquetoast character seated feet from him and his violent temper exploded into action. Price unholstered his six-gun, rested his elbow on the table for support and pointed the muzzle directly at McCray's face. McCray apparently felt the display was a bluff to cower him and when he did not display the anticipated fear Price wanted, Price reacted in the only way he could.

McCray felt that no man in his right mind would shoot an unarmed man in front of so many witnesses—no man in his right mind, that is. McCray calmly stared Price in the face and said, "You wouldn't shoot me for that, would you?" Price's reply was the roar of his six-gun as a lead ball drove into McCray's right eye, knocking him backwards onto the floor. His death was instantaneous.

Price calmly holstered his gun and swaggered out the door. Not a single individual attempted to impede his escape. Once into the street he began to run. Unfortunately, for Frank, some lawmen were nearby and rushed toward the cafe in time to see a familiar face exiting and racing down the street. They began to give chase. There were no fences for "Frank Over the Fence" to climb over, and in his drunken state he was not swift enough to elude the officers. He was soon overtaken and arrested. He was placed in the Deming jail.

A coroner's jury was hastily formed and headed by foreman R. Campbell. It consisted of A.J. Clark, M. Samuels, A.T. Randall, Y.Z. Boon, and Robert Gowley. After listening to the evidence presented by the eye witnesses they quickly came to a unanimous decision:

In the October issue of *True West*:

Special Issue!
Strange Tales of the West

***The Great California Airship Controversy.* By Harold L. Edwards.** During the winter of 1869, residents of the San Francisco bay area witness what will later be commonly labeled an unidentified flying object.

***Napa Valley ESP.* By Richard H. Dillon.** Even before the term is coined, George Yount's experience with extra-sensory perception leads to the rescue of the ill-fated Donner Party.

***The Man Who Put a Hex On San Francisco.* By Jan Holden.** Joshua the Second, a self-proclaimed Oregon prophet, lays claim to a curse that causes one of the most devastating earthquakes in California history.

***A Rock From the Sky.* By David F. Crosby.** Few white men ventured into Comancheria without a good reason, but Texas Ranger Robert Neighbors was no ordinary man, and the treasure he was seeking was not of this earth.

***Mischief at the Summit.* By Mary Jane Massey Rust.** Weather reports weren't the only things coming from a remote post atop Pikes Peak; tales of giant rat attacks soon made their way down the mountain.

Plus
Ghost Tales From Oklahoma, Texas, Canada, Wyoming, and Kansas.

Look for the October issue of *True West* on the newsstand September 1.

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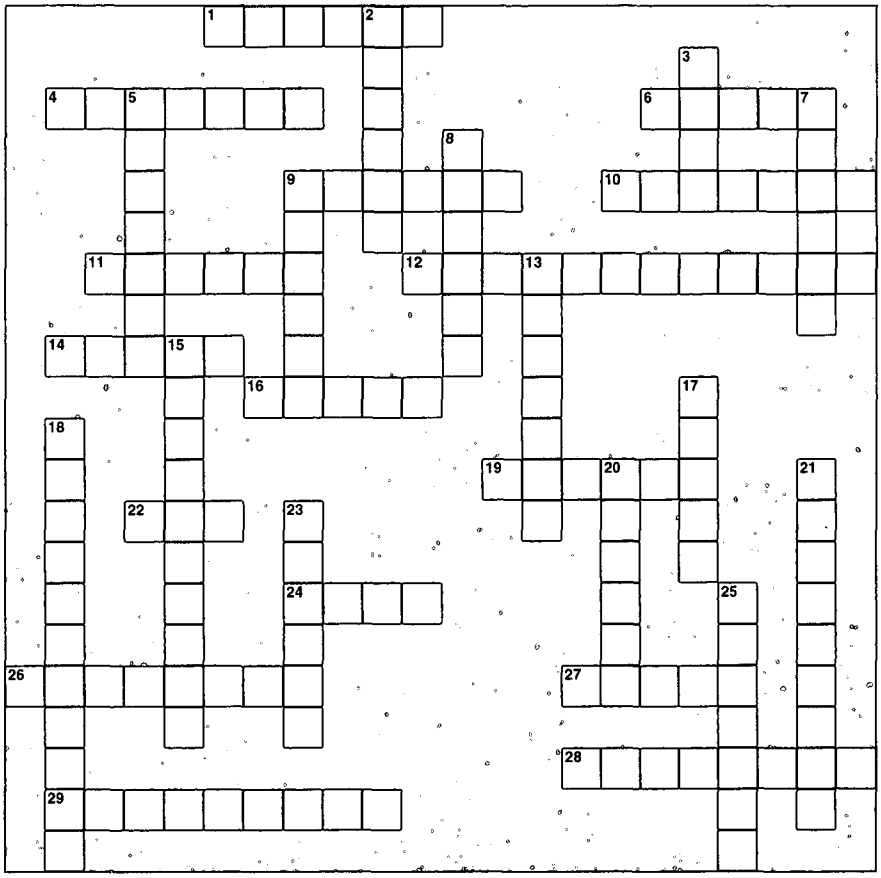
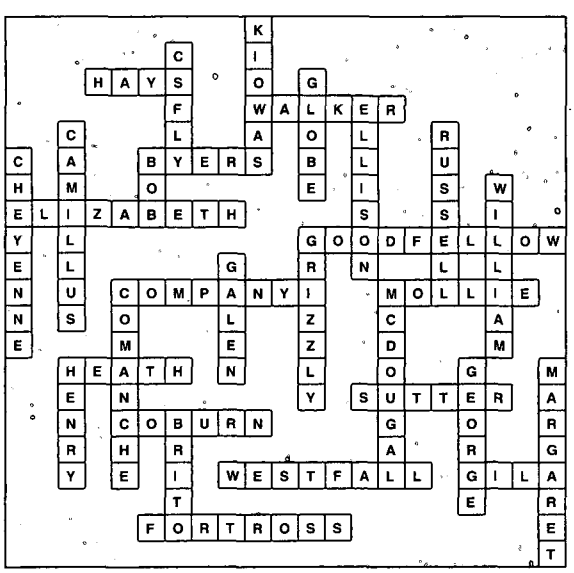


Across

1. Scene of Canton-Dunn gunfight
4. Wrote New Mexico state song
6. Dutch Henry ____
9. Drilled Bee Dunn
10. Chipeta's son
11. Author of *Pecos Ranchers in the Lincoln County War*
12. "Wanted to be An Outlaw"
14. Author of *Warriors of Lincoln County*
16. Alias George Hall
19. Author of *Cowboy Spurs and Their Makers*
22. New Mexico's first "public" building
24. Saddle Pals cartoonist
26. "Little Misery" station
27. Frank Over the Fence
28. Killed Billy Lynn
29. "That dude Rosenfelder"

Down

2. First woman executed in Texas
3. Presided over Rodriguez trial
5. Brushy Bill ____
7. Alias Frank Canton
8. ____ Pete, Dutch Henry's brother
9. Killed escaping with Hyatt
13. Escaped from Sheriff Dan Nowlin
15. Owned Scotty's Chop House
17. J.S. Burke
18. Teddy's Terrors
20. Third woman executed in Texas
21. Second woman executed in Texas
23. First Republican sheriff of Lincoln County, New Mexico
25. Author of *Mangas Coloradas*



Solution to last month's puzzle.

We, the Jury, find that the deceased, M.S. McCray, came to his death from a gunshot would in the right eye, from the hands of "Frank Over the Fence."

Price was bound over to the grand jury, who indicted him for the crime of murder. He obtained the services of a local lawyer who filed for, and received, a change of venue to Mesilla for he knew Price had no chance in Grant County due to his past, bloody history. Talk of a possible lynching also necessitated relocating the trial. He was transferred to the Mesilla jail for safekeeping. The trial began in April 1882 and was followed closely by the Grant County newspapers, including *The New Southwest:*

> The trial of a man named Frank Price is in progress in Mesilla. The case is one which promises a hanging, for if there ever was a cold-blooded murder, and a death-deserving fiend, Price's deed is the one, and Price himself is the other. Certainly this is the verdict of all good citizens of Grant County, and the accounts which have come in at various times and from various sources in regard to the man and the nature of his crime for which he is now being tried go to confirm the opinion. Price is well-known as a lawless character in southern New Mexico and Arizona. He has committed various murders and has always escaped. If by some possibility he escapes hanging he should be held to answer some of the many charges against him. It will never do to turn such a man loose upon the community again.

The wishes of the community came to fruit became "Frank Over the Fence" was found guilty of murder and did not escape his just dues. He was sentenced to hang and returned to the Silver City jail to wait the hangman's rope.

"Frank Over the Fence" had jumped his last fence.

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